

On Child's Rights

Law of the Republic of Belarus

No. 2570-XII of November 19, 1993

[In edition of the Law of the Republic of Belarus No. 440-Z of October 25, 2000. Last amendments and alterations: Law of the Republic of Belarus No. 298-Z of July 5, 2004]

The main political, social and economic task of the Republic of Belarus is a comprehensive protection of childhood, family and motherhood of present and future generation guaranteed by the state and society.

The present Law is based on Constitution of the Republic of Belarus, 1989 Convention of United Nations Organization "On Child's Rights", determines legal status of a child as independent entity, and directed on provision of his physical, moral and mental health, forming national self-consciousness on the basis of common to all mankind values of world civilization. Special care and social protection is guaranteed for the children with peculiarities of psychophysical development, and also for the children temporally or permanently lacking the family or being in unfavorable conditions and extreme situations.

Section 1. General Provisions

Article 1. Legal Basis of Regulation of Child's Rights

Legal basis of regulation of child's rights in the Republic of Belarus is the Constitution of the Republic of Belarus, international agreements of the Republic of Belarus, present Law and other acts of legislation of the Republic of Belarus connected with the rights and interests of child.

For the purposes of the present law the child is considered the individual under the age of 18, if the individual previously didn't gain civil capability in full volume.

Legal regulation of rights and duties of a child is carried out with the consideration of the age of the child.

Article 2. The Sphere of Implementation of the Present Law

Present Law determines the principles of state policy in relation to a child, his legal status, duties of legal persons and individuals on protection of childhood.

Article 3. Bodies Providing the Protection of Rights and Interests of a Child. The Coordination of Activity of State and Non-State Organizations in Implementation of the Present Law

Rights of a child and his protection are provided by the local executive and administrative bodies, Office of Public Prosecutor and court that follow the priority of protection of child's interests in their activity.

State bodies support the activity of public associations and other non-commercial organizations assisting to protection and realization of children's interests.

The coordination of the activity of state and non-state organization on realization of present Law is carried out by the Ministry of Education of the Republic of Belarus.

Article 4. Right to Life

Every child has inalienable right to life.

The state protects the child's life from any illegal infringements.

The application of death penalty and life imprisonment to the persons who committed crimes at the age under 18 is not allowed.

Article 5. Right to Protection and Improvement of Health

Every child has inalienable right to protection and improvement of health.

The state makes necessary conditions for a mother to protect her health before and after delivery, provides healthy development of a child, renders to children free medical help and sanatoria and health resort treatment in accordance with legislation of the Republic of Belarus. Children at the age up to 3 years and the handicapped at the age up to 18 years are provided with drugs and medicaments under prescriptions of doctors without a charge in order established by the legislation of the Republic of Belarus.

Article 6. Equality of Children

All children have equal rights independently of origin, racial, national and civil identity, social and material status, sex, language, education, religion, place of residence, state of health and other factors connected with the child and his parents. Children born in wedlock and out of wedlock enjoy equal and comprehensive protection of the state.

Article 7. Right to Citizenship

Every child has right to citizenship. Foundations and procedure of obtaining and changing the citizenship of a child are determined by the acts of legislation of the Republic of Belarus regulating the questions of citizenship.

Article 8. Right to Adequate Level of Life

Every child has the right to adequate level of life and conditions necessary for full physical, mental and spiritual development. The state bodies through the system of social and economic measures provide the creation of such conditions.

Article 9. The Right to Inviolability of the Personality, Protection from Exploitation and Violence

Every child has the right to protect his own personality from any type of exploitation and violence.

The state provides inviolability of child's personality, realizes its protection from all types of exploitation including sexual, from physical and (or) psychical violence, cruel or offensive treatment, sexual harassment including such treatment from parents or persons substituting them and relatives, from engaging into criminal activity, junction to alcoholic drinks, non-medical use of narcotic, toxic, psychotherapy and other drastic, intoxicating substances, compulsion for the prostitution, gambling and making actions connected with making materials or goods of pornographic character.

The persons, who get to know about the facts of cruel treatment, physical and (or) psychological violence toward a child, which pose a threat for child's health and development, shall immediately report about it to the competent state body.

Article 10. Right to Determine the Attitude Towards Religion

Every child has right to determine independently his attitude towards religion, to practice or not to practice any religion.

The state cannot interfere in child's upbringing based on certain religious outlook of parents or persons substituting them, and performing religious rites connected with it at participation of a child and conducted beyond the educational institutions, observance of traditions, except for situations, when the engaging in religious activity directly threatens child's life and health, violates his legal rights.

Toward a child under 15 the religious rites are performed with the consent of parents or persons substituting them.

Article 11. Right to Get, Store and Spread Information, Free Expression of Thoughts

Every child has a right to get, store and spread information, freedom of opinions, convictions and their free expression.

Every the child who is capable of forming his or her own views and convictions the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child in order provided by the legislation of the Republic of Belarus. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in order provided by the legislation of the Republic of Belarus.

The limitation of rights and freedoms of a child is allowed only in cases provided by the legislation for the interests of national security, public order, protection of morality, health of population, rights and interests of other persons.

Article 12. Right to Free Passage

A child at the age under 7 has the right to free passage by urban passenger transport of public use (except for a taxi), and also public motor and railway transport of public use of local services.

Article 13. Protection of Rights and Interests by a Child

A child at the age of 14 and older has the right to receive legal help for realization and protection of his rights and freedoms including the right to use the lawyer's help at any moment and other representatives in the court, other state bodies and in relations with officials and citizens without consent of parents or persons substituting them.

In cases provided by the legislation of the Republic of Belarus a child is provided with legal help by the Bar association free of charge.

In the case of violation of child's rights determined by the Convention of Organization of United Nations "On Child's Rights" and other acts of legislation of the Republic of Belarus the child has the right to submit the applications to the body of guardianship and trusteeship, Office of Public Prosecutor, and at reaching the age of 14 can submit the application on protection of his rights and interests to the Court, and also realize the protection of rights and interests through his own representatives.

Article 14. Duties of a Child

A child must observe state laws, take care of his parents, respect rights and interests of other citizens, traditions and cultural values of Belarusian people, other peoples and nations, take the knowledge and prepare for independent working activity, treat the environment and all type of property with care.

Section 2. A Child and a Family

Article 15. Right to Live in a Family

Every child has the right to live in the family, know both of his parents, right to their care, joint living except for the cases, when separation with one or both parents is necessary for the interests of the child.

The child is granted the right to chose one of both parents at reaching the age of 10.

Article 16. Right of a Child, Who Lives Separately from the Parents

The child living separately from one or both parents in the Republic of Belarus or other country has the right to keep regular personal relationships and direct contact with parents and other relatives except for the cases, when such relations don't serve the child's interests.

Article 17. Family's Responsibility for a Child

Parents or persons substituting them must make the conditions for full development, upbringing, education, improvement of health of the child and preparation for the independent life in the family and in the society.

At placing a child to the children's boarding schools at state maintenance and also to guarding or host family from every, form every parent the assets are taken for maintenance of the children in order and sizes established by the legislation of the Republic of Belarus.

The violation of the rights and infringement of child's interests by the parents or persons, at whose maintenance they are, entails responsibility provided by the legislation of the Republic of Belarus.

In cases provided by the legislation of the Republic of Belarus the parents or persons substituting them bear responsibility for the infringement.

Article 18. Right to Habitation

Every child has the right to habitation. The realization of this right is exercised in the order established by the housing legislation of the Republic of Belarus.

Article 19. Right to Property

Every child has the right to use, own and dispose his property, also make bargains in the order established by the legislation of the Republic of Belarus.

Independently of place of residence the child has the right to inheritance of parents property in case of their death or declaration them dead by the court's decision in the order established by the legislation of the Republic of Belarus.

In case of declaration of both parents or one of them missing the child has the right to support by their assets in accordance with the legislation of the Republic of Belarus.

Article 20. Right to Name

Every child has the right to name. The right and duty of determination of child's name is granted to the parents. Change of child's name is realized in accordance with the legislation of the Republic of Belarus.

Article 21. Social Protection of Family by State

For the purpose of full support and upbringing of the child in the family the state establishes the necessary level of financial support in the form of welfare payment, guarantees the right on use of child's pre-school establishments and gives the privileges in accordance with the legislation of the Republic of Belarus.

Section 3. A Child and Society.

Article 22. The Junction to National and World's Culture. The Right to Protection from the Information, Propaganda and Agitation Harmful to Health, Moral and Mental Development of a Child

The state provides the possibility of the junction to history, traditions and mental values of the people of the Republic of Belarus and progress of the world culture. For this purposes creation of state and public organizations for the development of child's abilities to the science and creation is encouraged, publication of pictures and video films, television and radio broadcasts is realized, edition of child's newspapers, magazines and books is realized, and their availability is provided.

The child has the right on protection from the information, propaganda and agitation harmful to his health, moral and mental development. The order of realization of this right is determined in accordance with the legislation of the Republic of Belarus.

Article 23. Right to Education

Every child has the right to get free education including the education in native language, choice of educational establishment in accordance with the acts of legislation of the Republic of Belarus.

The state encourages the development of talent and improvement of education.

Article 24. Right to Work

The child has the right to receive the profession, take part in independent work activity in accordance with his age, state of health and professional training.

After age of 16 the child has the right to independent work activity. With written permission of the parents or persons substituting them labour contract can be concluded with him after 14 years of age in the order and on conditions established by the legislation of the Republic of Belarus.

The state encourages the organizations giving the work places for the persons younger than 18.

Application of child's labour on the hard works and on the works with harmful or dangerous conditions of work, underground and mountain works and also other works, which are harmful for the child's health and development or which cause damage to the school attendance is prohibited. The list of such works is determined by the Government of the Republic of Belarus or authorized body in accordance to the legislation of the Republic of Belarus.

Article 25. The Right to Rest

Every child has the right on rest and choice of non-school activities in accordance to their interests and capabilities. The state creates the wide net of special non-school organizations, child's and youth sport installations, playgrounds, stadiums, clubs and other places for the rest and improvement of health, establishes privileged order of social and sport sanitary organizations use.

The activities, directed to worsening or cutting down the material recourses, which provide the organizations of child's rest, are to be coordinate with appropriate local executive and administrative bodies.

Article 26. Right to Freedom of Associations

Children have the right to join the independent children's' and youth public associations on conditions that activity of these associations does not contradict the Constitution and the legislation of the Republic of Belarus, does not disrupt public order and state security, does not damage the health or morality of the population, does not infringe the rights and interests of other people.

The state renders material and other assistance to children's and youth public associations.

Article 27. Right to Protection of Honor and Dignity

Every child has the right on protection his honor and dignity protected by the Constitution of the Republic of Belarus.

The discipline and order in the teaching and educational establishments are kept by the methods based on senses of mutual respect and justice and exclude the humiliation.

Infringement of child's honor and dignity from the persons obliged to realize educational and pedagogic functions cause the responsibility established by the legislation of the Republic of Belarus.

Article 28. Right to Protection from Illegal Interference to Private Life, Infringement of Correspondence Privacy

Every child has the right to protection from illegal interference to his private life including the infringement of correspondence privacy, telephonic and other communication

Section 4. A Child in Unfavorable Conditions and Extreme Situations

Article 29. Protection of Rights of Child Left Without Parents Care

The child left without parents care has the right to special care from the state.

Bodies of Guardianship and Trusteeship must take necessary measures on arrangement of a child left without parents care to the family for upbringing, under guardianship, trusteeship. The state supports such families in accordance with the legislation of the Republic of Belarus.

At impossibility of passing the child left without the care of parents for adoption by the citizens of the Republic of Belarus or by child's relatives his adoption is allowed by the citizens of other states in the interests of the child and in the order established by the legislation of the Republic of Belarus.

Reception of unjustified financial profits at the process of adoption (affiliation) or guardianship (trusteeship) is not allowed.

In the interests of the child appraisal of his health, conditions of his living in the family of the adoptive father, tutor (curator) is realized by the Bodies of Guardianship and Trusteeship confidentially.

The child after 14 has the right on independent living under conditions for the leaving, financial support of the state and realization of the control from the Bodies of Guardianship and Trusteeship.

Article 30. Support and Upbringing of Children in Child's Boarding School.

The child left without the care of parents at the impossibility of passing him for the upbringing to the family is appointed to the state and private child's boarding schools on patronage.

For the purposes of full physical, intellectual and mental development, training for the independent life of the children, who are inmates of Child's board school of any type all the

necessary conditions close to family's are created, preservation of their native language, culture, national customs and traditions is provided.

Pensions, cash benefits, other social payments and other current receipts are transferred to the personal account of the child who is inmate of Child's boarding school. The order of managing funds and property of under ward child is determined by the legislation of the Republic of Belarus.

The members of the child's boarding schools conducted anti-pedagogic or amoral actions toward the inmate are to discharge from these establishments in the order established by the legislation of the Republic of Belarus.

Protection of the rights and interests of the graduates of child's boarding schools being at full state maintenance, accordance habitation in extra order, delivery established material security, insurance, placing in a job are entrusted the administration of these establishments and local executive and administrative bodies.

Article 31. The Rights of Invalid Children and Children with the Peculiarities of Psychophysical Development

The state guarantees free special medical, defectological and psychological help for the invalid children, choice of the educational establishment by them and their parents, getting the school education and professional training, placing in a job in accordance with their abilities, social rehabilitation, full life in conditions providing their dignity and promoting active inclusion to the life of the society.

Article 32. Rights of the Children Suffered from Natural Disasters, Damages and Catastrophes

The state provides urgent free help, takes urgent measures on resettlement of the children from zone of danger, takes care of the family reunification, renders necessary medical assistance including in other states, to the children, who found themselves in the emergency situations (natural disasters, accidents, catastrophes, pollution of the environment as the result of accidents, accidents on nuclear power plants, industrial plants and others).

Article 33. Prohibition of Children's Participation in Military Operations

Engaging children to take part in military operations, armed conflicts, propaganda of war and violence among the children, creating children's militarized formations are prohibited.

Draft of persons for the periodic military service in the armed forces and other military regiments of the Republic of Belarus is realized at reaching 18 years of age by them. Draft of persons under 18 for the military service as the cadets of military schools, for the studies at the Suvorov's Military schools, pupils of the military orchestras is regulated by the legislation of the Republic of Belarus.

Article 34. Rights of Refugee Children

Refugee children deprived habitation and paraphernalia as a result of military operations, armed conflicts on national and other basis have right on protection of their interests.

Local executive and administrative bodies by the whereabouts of the child take measures for the inquiry of the parents or the relatives, render financial, medical and other assistance, in case of need assign the child to the medicinal prophylactic, child's hostel, other educational establishment.

Article 35. Protection of the Child's Rights at Bringing Him to Account

Child's right on individual liberty is protected by the Law. Guarantees of the protection of rights of under aged at the bringing them to the account, detention, arrest are established by the legislation of the Republic of Belarus.

Article 36. Observance of the Child's Rights in Special Educational Establishments

Direction of the child to the special educational establishment or medical educational establishment are realized only by the Court in the order established by the legislation of the Republic of Belarus.

The child being in special educational or medical educational establishment has the right on humane treatment, protection of health, getting school education and professional training, meetings with the parents, relatives and other persons, vacation and correspondence.

Obligatory purpose of keeping of under aged in special educational or medical educational establishments is the re-education and return them to normal conditions of life and work.

Article 37. Protection of the Child from Forced Transfer

The state takes measures against illegal transfer and failure to return of the children from foreign countries, kidnapping, children trade in any purposes and forms in accordance with the legislation of the Republic of Belarus and regulations of international law.

Section 5. International Cooperation

Article 38. International Agreements

If the international treaty of the Republic of Belarus that entered into force establishes other rules providing more full protection of rights and interests of the child than the rules contained in present Law, the rules of international treaty are applied.

Article 39. International Cooperation

The state contributes to development of international cooperation of state and non-state organizations, provides realization of international treaties of the Republic of Belarus in the sphere of protection of the child's rights.

Section 6. Liability for Infringement of the Present Law

Article 40. Liability for the Infringement of the Present Law

Persons violating the present law or obstructing its implementation bear liability in accordance with the legislation of the Republic of Belarus.

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