



**INTERNATIONAL PROTECTION  
IN BELARUS:  
LAW AND PRACTICE**

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## **ACKNOWLEDGEMENTS**

This report was conceived, and initial research and drafting were undertaken with the support of the Prague Civil Society Centre.

The authors wish to thank the former and current staff of the Helsinki Foundation for Human Rights for their invaluable guidance and supervision during the initial stages of the research and drafting process. They also express gratitude to MD and RM who, over the years, contributed to the research and drafting of this report; their support and solidarity are remembered and deeply appreciated.

The authors further wish to thank the individuals, organisations, state institutions, and especially asylum-seekers who shared information for this report.

## **ABOUT RESPECT-PROTECT-FULFILL AND HUMAN CONSTANTA**

Respect-Protect-Fulfill (RPF) is an independent Belarusian human rights organisation based in Lithuania. It works to advance accountability for political repression and to provide legal defence to individuals persecuted by the Belarusian authorities. Drawing on expertise in international law, RPF identifies and engages relevant international mechanisms that can be used to seek redress and the restoration of rights for victims of political repression in Belarus.

Human Constanta is a Belarusian human rights organisation dedicated to promoting public interests and joint actions in response to contemporary challenges in the field of human rights in Belarus. The organisation primarily focuses on protecting and advocating for the human rights of foreigners and stateless individuals within Belarus.

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## LIST OF ABBREVIATIONS

BYN – Belarusian rouble

CAT – Convention against Torture

CPC – Criminal Procedure Code of the Republic of Belarus

DCM – Department on Citizenship and Migration of the Ministry of the Interior of the Republic of Belarus

ECHR – European Convention on Human Rights

ECRE – European Council on Refugees and Exiles

ECtHR – European Court of Human Rights

EU – European Union

EUR – euro

HRC – United Nations Human Rights Committee

HRW – Human Rights Watch

ICCPR – International Covenant on Civil and Political Rights

IOM – International Organisation for Migration

Law on Foreigners – Law “On Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus”

Law on Refugees – Law “On Granting Refugee Status, Complementary Protection, Asylum, and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus”

Memorandum – Memorandum of understanding regarding the issue of monitoring border of the Republic of Belarus and access to asylum procedure in the territory of the Republic of Belarus concluded between State Border Committee of the Republic of Belarus, Office of the United Nations High Commissioner for Refugees, International Organization for Migration, RPA [Republican public association] “Belarusian Red Cross Society” and PA [Public association] “Belarusian Movement of Medical Workers”

MFA – Ministry of Foreign Affairs of the Republic of Belarus

Mol – Ministry of the Interior of the Republic of Belarus

Protocol of Intent – Protocol of intent to cooperate regarding the issue of monitoring of access of foreigners and stateless persons to refugee status determination procedure in the Republic of Belarus concluded between Ministry of the Interior of the Republic of Belarus, Representation of the United Nations High Commissioner for Refugees in the Republic of Belarus, Representation of the International Organization for Migration in the Republic of Belarus, republican public association “Belarusian Red Cross Society” and public association “Belarusian Movement of Medical Workers”

NGO – non-governmental organisation  
OIC – offenders isolation centre  
PECAO – Procedural-Executive Code of Administrative Offences  
RCS – Refugee Counselling Service

Refugee Convention – 1951 Convention relating to the Status of Refugees and the 1967 Protocol  
Regulations of deportation – Regulations on the Procedure of Deportation of Foreign Citizens and Stateless Persons

Regulation on expulsion – Regulations on the procedure of Expulsion of Foreign Citizens and Stateless Persons from the Republic of Belarus

Regulations on monetary assistance – Regulations on the procedure for granting monetary assistance to foreign citizens and stateless persons applying for refugee status, complementary protection, or asylum in the Republic of Belarus, and to foreign citizens and stateless persons granted refugee status or asylum in the Republic of Belarus

Resolution No. 461 – Resolution of the Council of Ministers No. 461 “Issues of granting to foreign citizens and stateless persons of refugee status, complementary protection, asylum, and temporary protection in the Republic of Belarus”

ROVD – Regional Department of Internal Affairs (Russian: Районный отдел внутренних дел or РОВД)

RSDP – refugee status determination procedure

RSDP Instruction – Instruction on the Procedure of Organization of Work in the Republic of Belarus During Consideration of Applications for Refugee Status, Complementary Protection, or Asylum, Applications for Extension of Complementary Protection, Applications for Family Reunion, Adoption of Decisions on Loss, Cancellation of Refugee Status or Complementary Protection, And Preparation of Proposals on Loss or Withdrawal of Asylum

SBC – State Border Committee

SIZOs – pre-trial detention centres

SOP – Standard operational procedures on identification of human trafficking, sexual and gender violence victims, and asylum-seekers among persons detained for illegal entry into or stay in Belarus

STC – safe third country

TDJ – temporary detention jail

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

WGAD – United Nations Working Group on Arbitrary Detention

## INTRODUCTION

This report provides a comprehensive analysis of the system of international protection in Belarus, examining both its legal framework and the lived realities of forced migrants seeking protection. It draws on long-term monitoring, casework, and testimonies collected by Human Constanta and Respect-Protect-Fulfill between 2016, when Human Constanta began its work on migration and human rights in Belarus, and December 2025.

Until 2021, Belarus received a relatively small number of asylum applications – typically fewer than 1,000 per year – despite its strategically significant position in regional migration dynamics. The country has long functioned primarily as a transit state rather than a country of destination, a role it has played since at least the 1990s. (1) With limited exceptions, most notably the arrival of Ukrainian nationals following 2014, asylum-seekers in Belarus generally aimed to move onwards to the European Union (hereinafter “EU”) rather than seek long-term protection in Belarus itself. This pattern changed markedly after February 2022, following the full-scale invasion of Ukraine by Russia, which led to a significant increase in the number of applications for international protection, primarily from Ukrainian citizens. These structural characteristics have profoundly shaped both state policy and practice in the field of international protection.

At the same time, Belarus has long been perceived by the EU primarily through the prism of migration control. In 2018, an EU-funded project was launched in Belarus aimed at establishing a fully-fledged irregular migration management strategy and constructing accommodation centres for migrants. (2) The project documentation reflected the EU’s recognition of Belarus as an important buffer state in protecting the EU’s external borders from irregular migration flows moving westwards, while largely omitting any meaningful assessment of Belarus’ authoritarian political system or its well-documented human rights record. This selective engagement contributed to a technocratic approach to migration cooperation, in which border management and containment were prioritised over access to asylum and effective protection safeguards.

The report serves three interconnected purposes. First, it introduces the Belarusian asylum system to a wider international audience, for whom reliable and systematised information remains scarce. Second, it assesses national asylum legislation and administrative practice, with particular attention to their compatibility with international refugee law and international human rights standards. Third, it summarises and reflects on nearly a decade of practical experience accumulated by Human Constanta in providing legal assistance, monitoring procedures, and documenting violations affecting asylum-seekers and refugees.

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1. Dmitry Kudelka, ‘Migration Behaviour of Ethnic Groups in Belarus’ in *International Migration of Population: Russia and the Contemporary World*, vol 13 (MAX Press 2005).  
2. International Organisation for Migration, *IOM Helps Belarus Develop Irregular Migration Management Policy* (IOM 2018) <<https://www.iom.int/news/iom-helps-belarus-develop-irregular-migration-management-policy>> accessed 18 February 2026.

The legal framework governing international protection in Belarus underwent notable reform in 2016-2017. These changes formally strengthened safeguards against refoulement, authorised border authorities to accept applications for international protection at border checkpoints, and expanded certain social benefits available to asylum-seekers and beneficiaries of protection. On paper, the reforms suggested a move toward greater compliance with international obligations. However, as this report demonstrates, legislative improvements have not translated into effective protection in practice.

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Indeed, numerous reports by international human rights organisations, including Human Rights Watch (4) and Amnesty International, (5) have repeatedly highlighted the inadequacy of the Belarusian asylum system. In 2017 and 2018, these organisations concluded that Belarus lacked a functioning asylum system and had repeatedly exposed asylum-seekers to a real risk of torture and ill-treatment through returns and informal handovers to countries of origin. Yet, until now, no publication has attempted to offer a systematic, longitudinal analysis of Belarusian asylum law, its internal inconsistencies, its divergence from international standards, and the evolution of practice over time.

The period under review is marked by two major migration-related crises that exposed the structural weaknesses of the Belarusian asylum system and the authorities' inability, or unwillingness, to respond in a rights-compliant manner. The first unfolded in 2016 in the city of Brest, where thousands of Russian nationals, primarily from Chechnya and other North Caucasus republics, became stranded at the Belarus-Poland border after Polish authorities illegally refused to register their asylum claims. (6) This situation deteriorated further in March 2020, when Polish authorities stopped accepting applications for international protection as of 12 March, ahead of the formal closure of the border on 15 March due to the COVID-19 pandemic. From that date, the sale of train tickets from Brest to Terespol was suspended, effectively depriving asylum-seekers

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3. Human Constanta, Вынужденная миграция в Беларуси (2016) 7. <<https://humanconstanta.by/vynuzhdennaya-migraciya-v-belarusi/>> accessed 18 February 2026.

4. Human Rights Watch, World Report 2018: Belarus (Human Rights Watch 2018) <<https://www.hrw.org/world-report/2018/country-chapters/belarus>> accessed 18 February 2026.

5. Amnesty International, Belarus (Amnesty International Report 2025) <<https://www.amnesty.org/en/countries/europe-and-central-asia/belarus/report-belarus/>> accessed 18 February 2026.

6. Human Constanta, Invisible refugees on the Belarusian-Poland border 2016-2017 (Human Constanta 2018) <<https://humanconstanta.org/wp-content/uploads/2018/01/Invisible-refugees-2016-2017.pdf>> accessed 18 February 2026.

of the only channel through which Polish border authorities observed even minimal procedural guarantees. As a result, migrants in Brest were left without any realistic possibility to access asylum procedures in Poland. (7)

The second, beginning in 2021, developed into a large-scale humanitarian crisis along Belarus' borders with EU Member States (Latvia, Lithuania, and Poland), where tens of thousands of third-country nationals were subjected to pushbacks, violence, and deprivation on both sides of the border. (8) While the Belarusian authorities played a central role in facilitating migration flows to exert political pressure on the EU, (9) they also took a series of concrete actions that significantly shaped the dynamics of the crisis. In 2021, Belarus officially suspended its readmission agreement with the EU, a move of both practical and symbolic significance, signalling a withdrawal from cooperation on migration management.

Between these two crises, the situation of asylum-seekers deteriorated further as a result of the profound human rights regression following the rigged 2020 presidential election. The systematic dismantling of civil society, liquidation of independent organisations, including Human Constanta, and criminalisation of unregistered activity led to the collapse of the assistance infrastructure for all migrants. Legal, humanitarian, and medical support effectively became inaccessible, while human rights defenders and volunteers faced persecution, exile, or imprisonment for attempting to provide aid. (10)

Recent assessments by UNHCR confirm that these developments have had lasting consequences. Access to asylum procedures remains severely restricted, reception capacity is insufficient, and procedural safeguards, including access to legal aid and effective remedies, are largely illusory. (11) Extensive use of the “safe third country” concept without adequate safeguards, prolonged delays in registering applications, and the near-total ineffectiveness of judicial review collectively undermine protection against refoulement and render the international protection system in Belarus largely ineffective in practice.

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7. Human Constanta, Ситуация с беженцами на белорусско-польской границе, январь-март 2020 г. (Human Constanta 2020) <<https://humanconstanta.org/situaciya-s-bezhencami-na-belarussko-polskoj-granice-yanvar-mart-2020-g/>> accessed 18 February 2026.

8. Human Constanta, Гуманитарный кризис на белорусско-польской границе 2021–2022 гг. (Human Constanta 2022) <<https://humanconstanta.org/humanitarian-crisis-ru-2021-2022/#!/tab/420467383-12>> accessed 18 February 2026.

9. President of the Republic of Belarus, Draft Law on Suspension of the Readmission Agreement with the EU to Be Submitted to the House of Representatives (President of the Republic of Belarus, 2026) <<https://president.gov.by/en/events/poresheniyu-prezidenta-v-palatu-predstaviteley-postupit-zakonoproekt-o-priostanovlenii-soglasheniya-s-es-o-readmissii>> accessed 18 February 2026.

10. Human Constanta, Outlawing Human Rights Work in Belarus (Human Constanta 2022) <<https://humanconstanta.org/wp-content/uploads/2022/02/outlawing-human-rights-work-in-belarus.pdf>> accessed 18 February 2026.

11. UN High Commissioner for Refugees (UNHCR), Submission by the Office of the United Nations High Commissioner for Refugees in the case of H.M.M. and Others v Latvia (Application No 42165/21) before the Grand Chamber of the European Court of Human Rights (18 October 2024) § 2.2.9 <<https://www.refworld.org/jurisprudence/amicus/unhcr/2024/en/148873>> accessed 18 February 2026.

## METHODOLOGY

This report applies a mixed-methods research design combining legal and policy analysis with qualitative empirical research in order to examine the functioning of the international protection system in Belarus in both law and practice. First, a doctrinal and policy analysis was conducted covering the period from 2016 to 2025. This component relied on the examination of national legislation, policy documents, and official statements, complemented by reports produced by international and non-governmental organisations. The legal analysis focuses primarily on the implementation and practical application of norms, as international treaties, although formally having direct effect in Belarus, are applied inconsistently in practice, with limited exceptions such as extradition proceedings. Consequently, the analysis emphasises operative legal practice rather than formal treaty obligations alone. Second, qualitative research was undertaken through individual, in-depth semi-structured interviews designed to capture experiential and expert perspectives on the functioning of asylum policy and procedures. Given the non-exhaustive nature of the sample and contextual constraints on access, the qualitative findings are not intended to be statistically generalisable; rather, they provide illustrative insights into trends, practices, and lived experiences within the asylum system. Some qualitative evidence reflects conditions at the time of data collection and may therefore partially predate recent developments.

The research draws on multiple sources to enable triangulation of findings. These include official information obtained by Human Constanta from Belarusian state bodies, notably the Department on Citizenship and Migration (hereinafter “DCM”), State Border Committee (hereinafter “SBC”), and the Administration of the President of the Republic of Belarus, as well as data from UNHCR offices in Belarus and in Poland, open-source materials, and interviews with asylum-seekers and experts. The report further incorporates organisational experience accumulated through work with forced migrants in Belarus. Research and drafting were conducted between November 2017 and January 2026.

During the initial phase (November 2017–April 2018), formal requests for public information were submitted to relevant authorities and international actors; subsequent updates were requested as needed during later stages of the project.

Methodological support was also provided by the Helsinki Foundation for Human Rights in clarifying the relevance of UNHCR’s 1997 position regarding the application of the “safe third country” concept to Belarus, with final correspondence received through UNHCR channels in April 2017.

Empirical material further includes documentary analysis and interviews conducted during 2017–2018 and 2021-2022. Sixteen negative decisions issued by the DCM between 2013 and 2024 were analysed; these were voluntarily provided by clients and were used to explore potential reasoning patterns in decision-making, while acknowledging that the small and non-systematic sample prevents generalisation regarding institutional practice.

Interviews were conducted with three asylum-seekers awaiting decisions on refugee status in Belarus, in person in Minsk and Brest during December 2017 and March 2018. Additional interviews were carried out with fifteen foreign nationals who had transited through Belarus to seek protection in Poland; thirteen participants originated from Russia, particularly the Chechen Republic, and two from Tajikistan. Interviews were conducted in person in Brest or remotely by telephone. A subsequent phase of fieldwork took place in 2021–2022 and included interviews with four asylum seekers in Minsk who had attempted to cross the EU border to apply for international protection. Although participants were transit asylum seekers, interview questions focused primarily on their experiences in Belarus, including attempts to seek international protection there and the obstacles they encountered. The research process was also supported by activists, volunteers, and non-governmental actors who facilitated access to participants and contributed contextual knowledge through expert interviews.

The study was conducted in a complex and restrictive research environment characterised by limited access to migrants and asylum-seekers, a relatively small number of specialised civil society organisations, and an unfavourable political climate for research on forced migration in Belarus. Following the falsified 2020 presidential elections, a broad crackdown on civil society significantly affected independent research and monitoring activities. In this context, Human Constanta was forcibly liquidated in 2021, and its offices in Minsk and Brest were closed in December 2022, effectively ending sustained on-the-ground presence and limiting opportunities for continued field engagement and direct data collection. Several additional limitations must therefore be acknowledged. Not all requested information was provided by state authorities; the number of available administrative decisions is highly limited; and the field remains under-researched, resulting in a limited body of recent publications. These factors necessitated a greater reliance on expert insights, practitioner knowledge, previously collected materials, and organisational experience.

## SECTION I. LEGAL AND INSTITUTIONAL FRAMEWORK OF INTERNATIONAL PROTECTION SYSTEM IN BELARUS

This section provides an overview of the legal framework governing international protection in Belarus and the institutional landscape responsible for its implementation. It also describes the forms of international protection available in Belarus and the legal concepts applied in practice.

### A. Background information and legislative framework

The first Belarusian legislation addressing forced migration – the Law “On Refugees” – was adopted and came into force in 1995. (12) At that time, the national asylum framework remained underdeveloped and was not yet aligned with international refugee protection standards. In 1997, the UNHCR recommended not applying the safe third country concept (hereinafter “STC”) to asylum seekers and refugees who had stayed in or transited through Belarus. (13) This position reflected concerns about the absence of sufficient legal safeguards and institutional capacity to ensure effective access to international protection.

A significant shift occurred in 2001, when Belarus acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (hereinafter “the Refugee Convention”). Accession to these instruments marked Belarus’s formal commitment to international refugee law and provided the foundation for further legislative reforms in the field of asylum and forced migration.

The legal framework governing international protection was further developed with the adoption of the Law “On Granting Refugee Status, Complementary Protection, Asylum, and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus” (hereinafter “the Law on Refugees”) in 2008. (14) The Law on Refugees incorporated the principle of non-refoulement, prohibiting the removal of individuals to a country where their life or safety would be at risk.

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12. Закон Республики Беларусь от 22 февраля 1995 г. № 3605-XII О беженцах (Law of the Republic of Belarus of 22 February 1995 No 3605-XII On Refugees) art 12.

13. UN High Commissioner for Refugees (UNHCR), Background Information on the Situation in Belarus in the Context of the “Safe Third Country” Concept (1 March 1997) §19 <<http://www.refworld.org/docid/3ae6b33210.html>> accessed 18 February 2026.

14. Закон Республики Беларусь от 23 июня 2008 г. № 354-3 О предоставлении иностранным гражданам и лицам без гражданства статуса беженца, дополнительной защиты, убежища и временной защиты в Республике Беларусь (Law of the Republic of Belarus of 23 June 2008 No 354-3 On Granting of Refugee Status, Complementary Protection, Asylum and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus) <<https://etalonline.by/document/?regnum=h10800354>> accessed 18 February 2026 (Law on Refugees).

The Law on Refugees is operationalised through the Instruction on the Procedure of Organisation of Work During Consideration of Applications for Refugee Status, Complementary Protection, and Asylum in the Republic of Belarus (hereinafter “the RSDP Instruction”). (15) In addition, the Law “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus” (hereinafter “Law on Foreigners”) (16) regulates a range of migration-related procedures and, together with the Law on Refugees, defines the rights and legal guarantees afforded to asylum-seekers in Belarus, including access to employment, housing, and health care.

These legislative developments led the UNHCR to reconsider its earlier assessment of the Belarusian asylum system. In April 2018, UNHCR stated that its 1997 recommendation no longer reflected “the current substantially improved situation for asylum-seekers and refugees in Belarus,” noting in particular Belarus’s accession to the Refugee Convention and the strengthening of legal rights available to persons seeking protection. (17)

Nevertheless, subsequent developments indicate that improvements in the legal and institutional framework have not fully eliminated practical challenges in the functioning of the asylum system. Despite a formal framework broadly aligned with international standards, the Belarusian asylum system has faced increasing operational pressure in recent years. In 2024, delays of up to 4.5 months in the registration of asylum applications were reported, primarily due to limited state processing capacity. (18) While these constraints have affected timely access to procedures, recognition rates at first instance have remained consistently high, particularly for applicants from Ukraine (see Section I (D) for further details). In this context, UNHCR has continued close engagement with the DCM, focusing on maintaining access to asylum procedures, especially for non-Ukrainian applicants.

## **B. Main actors in the field of forced migration**

The DCM is the principal state authority responsible for the implementation of national legislation and policies concerning forced migration and international protection. (19)

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15. Инструкция о порядке организации работы по предоставлению статуса беженца, дополнительной защиты и убежища в Республике Беларусь, утверждена постановлением Министерства внутренних дел Республики Беларусь от 22 июня 2017 № 173 О статусе беженца, дополнительной защите и убежище в Республике Беларусь (Instruction on the Procedure of Organisation of Work During Consideration of Applications for Refugee Status, Complementary Protection and Asylum in the Republic of Belarus, approved by Order of the Ministry of the Interior of the Republic of Belarus of 22 June 2017 No 173 On Refugee Status, Complementary Protection and Asylum in the Republic of Belarus) <<https://pravo.by/document/?guid=3871&p0=W21732257>> accessed 18 February 2026.

16. Закон Республики Беларусь от 4 января 2010 г. № 105-3 О правовом положении иностранных граждан и лиц без гражданства в Республике Беларусь (Law of the Republic of Belarus of 4 January 2010 No 105-3 On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus) <<https://etalonline.by/document/?regnum=h11000105>> accessed 18 February 2026 (Law on Foreigners).

17. UNHCR, information provided to the Helsinki Foundation for Human Rights, April 2018 (on file with author).

18. United Nations Country Team. Fourth UPR of Belarus, April 2025.

19. Положение о Департаменте по гражданству и миграции Министерства внутренних дел Республики Беларусь, утвержденное Указом Президента Республики Беларусь от 4 июня 2004 года № 268 (Regulation on the Department of Citizenship and Migration of the Ministry of the Interior of the Republic of Belarus, adopted by Order of the President of the Republic of Belarus of 4 June 2004 No 268) <<https://pravo.by/document/?guid=3871&p0=P30400268>> accessed 18 February 2026, para 6.1.

It is a structural unit of the Ministry of the Interior (hereinafter “Mol”) and is in charge of conducting the refugee status determination procedure (hereinafter “RSDP”). (20) The DCM operates through its central office in Minsk and regional divisions in all administrative centres.

Several other state bodies exercise significant powers in the sphere of forced migration. These include the Council of Ministers, the SBC, the State Security Committee (also known as “KGB”), and the President of Belarus.

Under the Law on Refugees, the Council of Ministers is authorised, inter alia, to adopt regulations governing the stay of asylum-seekers in Belarus, determine the procedure for granting temporary protection, and regulate the provision of financial assistance to asylum-seekers. (21)

The SBC is empowered to receive applications for international protection from foreign nationals at border crossing points, as well as from foreigners apprehended by border authorities. (22) In addition, it may submit proposals to the DCM regarding the suspension or termination of the examination of protection applications, the loss or cancellation of refugee status or complementary protection, and the loss or revocation of asylum. (23)

The State Security Committee provides the DCM with available information concerning asylum-seekers whose applications are under review and may likewise submit proposals on the suspension or termination of the protection application examination, as well as on the revocation of international protection or asylum. (24)

The President of the Republic of Belarus holds the authority to grant asylum (in Russian: “убежище”; see subsection “C” for further details) and, where applicable, to decide on its loss or revocation. (25)

In addition to state institutions, several international and non-governmental actors operate in the field of migration. These include the Office of the United Nations High Commissioner for Refugees (UNHCR) in Belarus, the Belarusian Red Cross Society, and the Refugee Counselling Service (hereinafter “RCS”), a joint initiative of UNHCR and the non-governmental organisation “Belarusian Movement of Medical Workers.”

The UNHCR Office was established in Belarus in 1995. (26) Its activities primarily focus on the promotion of the rights of persons in need of international protection, capacity-building of state authorities, and, in certain cases, the recognition of individuals’ protection needs under the

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20. Law on Refugees (n 14) art 10(2)(4).

21. Ibid art 9(3), (5), (8).

22. Ibid art 11(2)–(4).

23. Ibid art 11(7).

24. Ibid art 12.

25. Ibid art 8(6).

26. UNHCR Representation in Belarus, ‘Overview’ <<https://www.unhcr.org/by/overview>> accessed 18 February 2026

UNHCR Statute. UNHCR supports the RCS, which provides free legal and social consultations to asylum-seekers on issues related to the state RSDP, residence permits and naturalisation procedures, as well as access to healthcare, education, and employment. (27)

The Belarusian Red Cross Society, in cooperation with UNHCR, provides social counselling, distributes food parcels and hygiene kits, and administers UNHCR emergency and monthly financial assistance to asylum-seekers, refugees, and stateless persons. It also assists beneficiaries in accessing primary and secondary healthcare services, employment, and vocational training opportunities. (28)

Despite the important role played by international organisations and humanitarian actors, it should be noted that their ability to effectively support persons in need of international protection in Belarus remains significantly constrained by limited mandates, restricted access, and a reduced operational presence on the ground. The UNHCR Office in Belarus operates with a small staff and engages primarily with individuals who formally express an intention to seek international protection in Belarus, which excludes large groups of migrants present in border areas and attempting to seek asylum in the EU. The Belarusian Red Cross Society, which is often characterised as a government-organised non-governmental organisation (GONGO), carries out its activities exclusively with the authorisation of state authorities. (29) Following the extensive crackdown on civil society organisations and human rights defenders, no independent civil society actors remain operational on the ground, (30) further limiting access to protection, monitoring, and humanitarian assistance for forced migrants in Belarus.

### C. Types of international protection and related concepts

Belarusian legislation provides for four types of international protection: refugee status, complementary protection, asylum, temporary protection, whereas non-refoulement protection is regulated as a separate legal guarantee. While these mechanisms broadly correspond to international standards, their legal design and practical application raise a number of concerns regarding accessibility, transparency, and compliance with international refugee and human rights law.

#### Refugee status

Refugee status may be granted to “a foreigner who is situated on the territory of the Republic of Belarus due to well-founded fears of being persecuted in the country of his/her citizenship for the reasons of race, religion, citizenship, ethnic affiliation, membership in a particular social group or

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27. RCS, ‘About’ <[https://www.facebook.com/RCS.Belarus/directory\\_privacy\\_and\\_legal\\_info](https://www.facebook.com/RCS.Belarus/directory_privacy_and_legal_info)> accessed 18 February 2026.

28. UNHCR Representation in Belarus, ‘Projects’ <<https://www.unhcr.org/by/projects>> accessed 18 February 2026.

29. Human Constanta, Missing and Dead Migrants in Belarus: Law and Practice (2024) <[https://humanconstantat.org/wp-content/uploads/2024/09/itog3\\_compressed.pdf](https://humanconstantat.org/wp-content/uploads/2024/09/itog3_compressed.pdf)> accessed 18 February 2026, 16.

30. Amnesty International, ‘Belarus: sweeping crackdown on civil society organisations must be stopped’ <<https://www.amnesty.org/en/latest/press-release/2021/07/belarus-sweeping-crackdown-on-civil-society-organizations-must-be-stopped/>> accessed 18 February 2026.

political opinion, and who is unable or unwilling, owing to such fears, to avail him/herself of the protection of that country; or to a stateless person who is situated on the territory of the Republic of Belarus due to mentioned fears and who is unable or unwilling to return to the country of his/her former habitual residence, owing to such fears.” (31)

Refugee status is granted for the duration of the circumstances giving rise to the fear of persecution. (32) The Law on Refugees does not establish a fixed validity period for refugee status, nor does it provide for its periodic review.

The Law on Refugees contains exclusion clauses in Articles 3 and 53. Article 3 reflects the exclusion grounds set out in Article 1(D), (E), and (F) of the 1951 Refugee Convention. Article 53 (part 2, para. 3), however, introduces an additional exclusion ground whereby a foreign national convicted in Belarus of a crime classified as particularly grave under the Criminal Code, and whose criminal record has not been lifted or cancelled, must be denied refugee status. This provision has been criticised by UNHCR, which advised its removal during the drafting process on the grounds that it is incompatible with the Refugee Convention, which contains an exhaustive list of exclusion clauses. (33)

### **Complementary protection**

Complementary protection may be granted to a foreigner who “does not have grounds for granting him/her refugee status, but has well-founded fears to face, upon return to the country of citizenship, the threat of death penalty, torture and the other cruel, inhumane or degrading treatment and punishment, or the threat to life caused by violence in the context of an international or non-international armed conflict, and who is unable or unwilling, owing to such fears, to avail him/herself of the protection of that country”. (34)

Complementary protection is granted for the period of up to one year and may be extended for one year each time given that grounds upon which the protection was granted are still present. (35) The grounds for denial of complementary protection largely mirror those applicable to refugee status. (36)

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31. Law on Refugees (n 14) art 19(1).

32. Ibid art 19(2).

33. UNHCR, «Предложения УВКБ ООН по проекту Закона Республики Беларусь «О предоставлении иностранным гражданам и лицам без гражданства статуса беженца, дополнительной и временной защиты в Республике Беларусь»» (April 2008), page 4 <<https://docs.google.com/document/d/e/2PACX-1vSTt3WTMeygHcE22dBFuCaqKDnheYWpbgYAXEhubFKKRg62zrpLrsgZrallCONXJQ/pub/>> accessed 18 February 2026.

34. Law on Refugees (n 14) art 22(1).

35. Ibid art 22(2).

36. Ibid art 3, 53(3-4).

## Asylum

Asylum is the only form of international protection expressly mentioned in the Constitution of Belarus. (37) It may be granted to persons persecuted in other states for their political or religious beliefs or their ethnic affiliation. Asylum is granted for the duration of the grounds justifying its provision, (38) and decisions on granting asylum are taken exclusively by the President of Belarus. (39)

The grounds for denying asylum largely correspond to those applicable to refugee status and complementary protection, but additionally include considerations related to national security and public safety. (40)

Information on the practice of granting asylum in Belarus remains extremely limited. For many years, only one publicly documented decision was known: the granting of asylum in 1997 to a communist activist and former member of the Communist Party of Lithuania. (41) Requests for information on whether asylum had been granted in other cases were declined by the Presidential Administration, which stated that such information was classified.

More recently, isolated public reports have emerged suggesting that asylum has been granted in other individual cases. In particular, in 2024 the Belarusian authorities reported the granting of asylum to a Polish national wanted on criminal charges in Poland. (42) However, no systematic or comprehensive data on the use of the asylum mechanism are available, making it impossible to assess the frequency or consistency of this practice.

## Temporary protection

Temporary protection may be granted to asylum-seekers “whose application for protection is not possible due to their simultaneous arrival en masse and in relation to whom there is a necessity to decide on their admission to the Republic of Belarus and stay in the Republic of Belarus on the grounds provided for granting of refugee status or complementary protection.” (43) Temporary protection is granted for a period of up to one year. (44)

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37. Constitution of the Republic of Belarus (1994) art 12.

38. Law on Refugees (n 14) art 25.

39. Ibid art 8(6).

40. Ibid art 54(2).

41. Указ Президента Республики Беларусь № 172 О предоставлении убежища лицу без гражданства Ч. И. Высоцкому (Order of the President of the Republic of Belarus No 172 On Granting Asylum to the Stateless Person Ch. I. Vysotsky) (27 February 1997) <<https://etalonline.by/document/?regnum=p39700172>> accessed 18 February 2026.

42. Belta, ‘Томашу Шмидту, преследуемому по политическим мотивам в Польше, предоставлено убежище в Беларуси’ <<https://belta.by/president/view/tomashu-shmidt-predseduemu-po-politicheskim-motivam-v-polshe-predostavleno-ubezhische-v-belarusi-677564-2024/>> accessed 18 February 2026.

43. Law on Refugees (n 14) art 28(1).

44. Ibid art 28(2).

In 2017, the Mol adopted an instruction regulating work with foreigners who arrive in Belarus simultaneously and en masse. (45) As of March 2018, the authorities had never applied temporary protection. (46) Given that the temporary protection mechanism was not activated even amid the increased number of applications from Ukrainian nationals after the outbreak of Russia's full-scale invasion of Ukraine in 2022, it is unlikely that temporary protection has been granted at any time since March 2018.

### **Non-refoulement protection**

Non-refoulement protection applies to foreign nationals who do not qualify for any other form of international protection but who cannot be expelled from Belarus to a country where their life or freedom would be threatened on the grounds of race, religion, citizenship, ethnic affiliation, membership of a particular social group, or political opinion, or to a country where they face the death penalty or a threat to life arising from violence in the context of an international or non-international armed conflict. (47)

This form of protection does not apply to foreigners who present a threat to the national security of Belarus or were convicted for a crime classified as particularly grave under the Criminal Code. (48) An important exception applies in cases involving a risk of torture: in such circumstances, non-refoulement protection must be applied without any exceptions. (49)

When non-refoulement protection is granted, the individual receives either a temporary or a permanent residence permit. (50) As of 2 March 2018, 85 foreign nationals whose applications for refugee status or complementary protection had been discontinued or rejected were granted non-refoulement protection. These individuals were nationals of Azerbaijan (1), Afghanistan (65), Georgia (6), Iraq (6), Iran (4), Libya (1), Turkmenistan (1), and Sri Lanka (1). (51) According to information contained in the National Report of Belarus submitted to the United Nations Human Rights Council, between 2020 and 2024 approximately 30 more decisions on the application of non-refoulement protection were adopted in respect of foreign nationals who had been denied international protection in Belarus. (52)

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45. Постановление Министерства внутренних дел Республики Беларусь от 26 июня 2017 года № 175 О временной защите в Республике Беларусь (Instruction adopted by the Order of the Ministry of the Interior of the Republic of Belarus of 26 June 2017 No 175 On Temporary Protection in the Republic of Belarus) <<https://etalonline.by/document/?regnum=w21732207>> accessed 18 February 2026.

46. DCM, reply to the author's request for information (2 March 2018) (on file with the author).

47. Law on Refugees (n 14) art 5(1); Law on Foreigners (n 16) art 17.1(1).

48. Law on Refugees (n 14) art 5(3); Law on Foreigners (n 16) art 17.1(3).

49. Law on Refugees (n 14) art 5(2); Law on Foreigners (n 16) art 17.1(2).

50. Law on Refugees (n 14) art 5(4); Law on Foreigners (n 16) art 48(14).

51. DCM, reply to the author's request for information (2 March 2018) (on file with the author).

52. United Nations Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Belarus, UN Doc A/HRC/WG.6/50/BLR/1 (2025) para 188 <<https://documents.un.org/doc/undoc/gen/g25/127/14/pdf/g2512714.pdf>> accessed 19 February 2026.

## D. Statistics

From 2004 to 2013, the number of applications for international protection in Belarus remained relatively low, never exceeding 208 applications per year. (53) This situation changed significantly in 2014 following the outbreak of the armed conflict in Ukraine. In that year alone, 868 persons applied for international protection, of whom 664 were Ukrainian nationals, accounting for 76.5% of all applicants. (54)

In this context, the UNHCR estimated that as of 1 October 2014 approximately 30,000 Ukrainian nationals were residing in Belarus on the basis of temporary or permanent residence permits. (55) The agency regarded these individuals as potential asylum-seekers, noting that they had arrived in Belarus due to the ongoing crisis in their country of origin and might apply for asylum at a later stage, particularly if they were unable to regularise their stay through other legal means. (56)

The number of applications for international protection remained comparatively high during the period from 2014 to 2018, fluctuating between 748 and 1,246 applications annually. Since 2019, however, a gradual decline in applications has been observed. Throughout this entire period, applicants from Ukraine have consistently constituted the absolute majority of those seeking international protection in Belarus. (57)

Between 1997 and 2025, Belarus granted refugee status to 1,025 persons from 32 countries and complementary protection to 9,720 persons from 21 countries. (58) The majority of individuals granted refugee status originated from Afghanistan (649 persons), Georgia (136 persons), and Syria (38 persons). Complementary protection was granted predominantly to nationals of Ukraine (9,318 persons), followed by Syria (177 persons), and Yemen (83 persons).

A new and pronounced increase in applications for international protection by Ukrainian nationals has been observed since 2022. In 2022, a total of 2,571 applications for international protection were submitted, including 2,352 applications by Ukrainian nationals. In 2023, 1,395 applications were registered, of which 1,083 were submitted by Ukrainian nationals. In 2024, the number of applications increased again to 2,239, including 2,087 applications by Ukrainian nationals. In 2025, 1,835 applications were submitted, 1,776 of them by Ukrainian nationals. (59)

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53. DCM, Forced Migration <<https://www.mvd.gov.by/ru/page/departament-po-grazhdanstvu-i-migraci/vynuzhdennaya-migraciya>> accessed 19 February 2026.

54. Ibid.

55. UNHCR, Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Belarus (October 2014) 2 <<https://www.refworld.org/publisher,UNHCR,,60ae4aa74,0.htm>>| accessed 19 February 2026.

56. Ibid.

57. 2015 – 1246 applications (Ukraine – 978), 2016 – 788 applications (Ukraine – 637), 2017 – 748 applications (Ukraine – 626), 2018 – 895 applications (Ukraine – 761), 2019 – 654 applications (Ukraine – 567), 2020 – 589 applications (Ukraine – 441); 2021 – 486 applications (Ukraine – 201); DCM, Forced Migration <<https://www.mvd.gov.by/ru/page/departament-po-grazhdanstvu-i-migraci/vynuzhdennaya-migraciya>> accessed 19 February 2026.

58. Ibid.

59. Ibid.

Approximate (60) recognition rates at the first instance (DCM) in 2016-2025:

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
% of applicants granted protection (all nationalities)	90	89	96	93	87	77	77	78	72	86
% of applicants granted protection (Ukraine)	97	98	98	100	98	94	82	90	84	88
% of applicants granted protection (without Ukraine)	44	36	43	41	31	41	18	20	9	43

It appears that almost all applicants from Ukraine were granted international protection. This consistently high recognition rate may be explained by the benevolent approach adopted by the Belarusian authorities towards persons forcibly displaced since the outset of the armed conflict in Ukraine in 2014. (61)

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60. UNHCR, Refugee Data Finder <<https://www.unhcr.org/refugee-statistics/download/?url=8t4uW7>> accessed 19 February 2026.

61. Naviny.by, 'Лукашенко: за два года Беларусь приняла 170 тысяч беженцев из Украины' (3 February 2017) <<https://web.archive.org/web/20210525151140/https://naviny.online/new/20170203/1486124085-lukashenko-za-dva-goda-belarus-prinyala-170-tysyach-bezhencev-iz-ukrainy>> accessed 19 February 2026.

## SECTION II. ACCESS TO ASYLUM PROCEDURE AND IDENTIFICATION OF PERSONS IN NEED OF PROTECTION

This section examines access to the procedure for international protection in Belarus, with a particular focus on the submission of applications and the identification of asylum-seekers in the context of migration control. It also outlines the mechanism of so-called “distributive quotas” established under the Law on Refugees.

### A. Legal framework governing access to asylum procedure

Access to the RSDP is regulated by article 31 of the Law on Refugees. This provision stipulates that foreigners may apply for international protection both at the state border of Belarus and from within its territory.

If a foreigner appears at a border checkpoint without documents authorising entry into Belarus, they may submit an application for international protection to the SBC. In such cases, the SBC (62) accepts the application and ensures access to the asylum procedure, including by allowing the individual to enter the territory of Belarus. (63)

Similarly, if the SBC apprehends a foreigner for violation of migration laws, such as the illegal crossing of the state border, the individual may submit an application for international protection to the SBC. The SBC (64) further forwards asylum-seekers and their applications to a relevant division of the DCM.

Asylum-seekers who enter Belarus irregularly are exempt from criminal responsibility, provided that they apply for international protection without delay. (65)

Within the territory of Belarus, applications for international protection are submitted directly to DCM divisions. (66) Foreigners deprived of their liberty may submit an application through the administration of the detention facility in which they are held. (67)

In all the above situations, if a foreigner is unable to submit an application personally, this may be done by an authorised representative on their behalf. (68) In such cases, the application must be accompanied by appropriate authorisation and, where applicable, evidence confirming the applicant’s inability to submit the application personally. (69)

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62. Law on Refugees (n 14) art 31(2).

63. Ibid, art 11(2).

64. Ibid, art 31(2).

65. Кодекс Республики Беларусь об административных правонарушениях от 6 января 2021 г. № 91-З (Code of Administrative Offences of the Republic of Belarus of 6 January 2021 No 91-Z) art 24.18 <<https://etalonline.by/document/?regnum=hk2100091>> accessed 19 February 2026.

66. Law on Refugees (n 14) art 31(1).

67. Ibid art 31(3)(4).

68. Ibid art 31.

69. RSDP Instruction (n 9) § 9.

Article 32 of the Law on Refugees establishes a special procedure for unaccompanied minors. Where an unaccompanied minor expresses the intention to apply for international protection, the relevant DCM division must transfer the minor to a guardianship and custody authority. (70) That authority is required, within three working days, to submit an application for international protection to the DCM division on the minor's behalf. (71)

## **B. Identification of persons in need of international protection among irregular migrants**

### 1. Legal framework and institutional responsibilities of the SBC and the DCM

The only legislative act that explicitly requires the authorities to consider a person's protection needs is the Law on Refugees. The application of this law is triggered exclusively by an express request for international protection submitted by the individual concerned. It therefore does not impose a duty on the authorities to proactively identify asylum-seekers within mixed migration flows. Moreover, no other legal acts – whether domestic laws, extradition treaties, or regulations governing removal procedures – obligate the authorities to assess the risk of ill-treatment in the receiving country prior to removal.

#### **State Border Committee**

The SBC primarily encounters the issue of identification in the context of border control, particularly when apprehending foreign nationals who attempt to cross the Belarusian border irregularly.

According to a representative of the SBC, border guards categorise detained foreigners into “asylum-seekers, illegal migrants, and victims of human trafficking”. (72) In its response to Human Constanta's request for information, the SBC stated that in 2016, in cooperation with the UNHCR, International Organisation of Migration (hereinafter “IOM”), and other NGOs, it developed and implemented Standard operational procedures on the identification of victims of human trafficking, sexual and gender-based violence, and asylum-seekers among persons detained for irregular entry into or stay in Belarus (hereinafter “SOP”). (73)

According to the SBC, these SOPs establish, inter alia, methods for identifying persons in need of international protection. The SBC further stated that all of its staff “have sufficient skills necessary for identification of and work with vulnerable categories of detained foreigners including persons in need of international protection”, and that these skills are maintained and improved through professional trainings organised by UNHCR, IOM, and the Belarusian Red Cross Society.

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70. Law on Refugees (n 14) art 32(1).

71. Ibid art 32(3).

72. Naviny.by, ‘Разделение миграционных потоков Госпогранкомитет рассматривает как основную задачу’ (18 June 2013) <[https://web.archive.org/web/20220120012843/https://naviny.online/rubrics/society/2013/06/18/ic\\_news\\_116\\_419283](https://web.archive.org/web/20220120012843/https://naviny.online/rubrics/society/2013/06/18/ic_news_116_419283)> accessed 19 February 2026.

73. Russian: Стандартные операционные процедуры для сотрудников пограничной службы по идентификации и перенаправлению жертв торговли людьми (а также жертв сексуального или гендерного насилия) среди нелегальных мигрантов, задержанных на границе РБ и или проживающих незаконно в стране, а также среди беженцев.

A closer examination of the SOPs raises questions as to their effectiveness in identifying persons in need of international protection. In a document of approximately 40 pages, references to the need to refer individuals to the RSDP appear only sporadically. The SOPs do not explicitly refer to core international protection principles, including non-refoulement.

By contrast, the document provides detailed guidance on the identification of victims of human trafficking and sexual and gender-based violence, including communication techniques, procedural steps following identification, and referral mechanisms. Overall, the SOPs appear to have been designed primarily for the identification of victims of trafficking and sexual and gender-based violence, with the issue of identifying persons in need of international protection addressed only marginally.

## **Department of Citizenship and Migration**

Available evidence suggests that the DCM may be insufficiently sensitive to the international protection needs of certain groups of migrants. In the course of its work, Human Constanta has assisted dozens of individuals transiting through Belarus who sought international protection in neighbouring EU countries but had received deportation orders from local DCM divisions.

In these cases, DCM officers did not inquire into the individuals' protection needs, nor did they inform them of the possibility to apply for international protection in Belarus. This occurred despite the authorities' apparent awareness of the individuals' circumstances, including their repeated unsuccessful attempts to seek protection at EU borders.

In practice, the Belarusian migration authorities appear to treat only the formal submission of an application for international protection as evidence of a protection need. This approach effectively places the entire burden of identification on the individual concerned and fails to ensure protection-sensitive migration management in situations involving mixed migration flows.

### 2. Authorities' cooperation with NGOs in the identification of persons in need of international protection among detained foreigners

Since the post-election period of 2020, the operating environment for civil society in Belarus has undergone a profound deterioration. Belarusian authorities have carried out a prolonged and

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70. Law on Refugees (n 14) art 32(1).

71. Ibid art 32(3).

72. Naviny.by, 'Разделение миграционных потоков Госпогранкомитет рассматривает как основную задачу' (18 June 2013) <[https://web.archive.org/web/20220120012843/https://naviny.online/rubrics/society/2013/06/18/ic\\_news\\_116\\_419283](https://web.archive.org/web/20220120012843/https://naviny.online/rubrics/society/2013/06/18/ic_news_116_419283)> accessed 19 February 2026.

73. Russian: Стандартные операционные процедуры для сотрудников пограничной службы по идентификации и перенаправлению жертв торговли людьми (а также жертв сексуального или гендерного насилия) среди нелегальных мигрантов, задержанных на границе РБ и или проживающих незаконно в стране, а также среди беженцев.

systematic crackdown on independent civil society organisations and human rights defenders. (74) As of 31 December 2025, 1,131 persons were recognised as political prisoners in Belarus and remained in detention. (75) At the same time, not less than 1,510 institutionalised forms of NGOs, including civic associations, trade unions, political parties, foundations, non-governmental institutions, associations and religious organisations, were liquidated. Among them were all independent human rights organisations. (76)

A key actor in this field, Human Constanta, which had worked on the rights of foreigners and stateless persons in Belarus since 2016 and had actively participated in monitoring, legal assistance and cooperation with international organisations, was liquidated in 2021. (77) Following its liquidation, Human Constanta continued working informally and under conditions of severe repression, without employment contracts, bank accounts, or the possibility of official communication with state institutions. Like many other human rights defenders, its members faced stigmatisation, hate speech in pro-government media, administrative pressure and criminal prosecution. (78) This led to a significant reduction in the number of actors able to assist migrants and refugees on the ground, undermined trust between migrants and those attempting to support them, and effectively eliminated access to border regions, where monitoring and rescue activities had previously been essential.

In September 2022, former activists of Human Constanta managed, after several attempts, to register a new non-profit institution, “People on the Move”. However, in July 2023, the authorities decided to liquidate this organisation as well, reportedly following its information requests to state institutions concerning cases of deceased migrants at the Belarus-EU border. This further confirmed the authorities’ unwillingness to tolerate any form of independent monitoring or advocacy related to migration and asylum.

The legislative framework has further reinforced this repression. Amendments adopted in December 2021 reintroduced criminal responsibility for “acting on behalf of unregistered or liquidated organisations”, effectively criminalising human rights work as such. (79) As a result, a large number of Belarusian human rights defenders were forced to leave the country, while those remaining face a constant risk of criminal prosecution. Volunteers not affiliated with any registered organisations are also exposed to legal risks.

In addition, Belarusian legislation establishes criminal liability for providing material support to organisations designated by the authorities as “extremist” or “terrorist”. Financial or other support

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74. UN Special Rapporteur on the situation of human rights in Belarus, Report (3 May 2023) <<https://docs.un.org/en/a/hrc/53/53>> accessed 19 February 2026.

75. Spring96.org, ‘Human rights situation in Belarus. December 2025’ (31 December 2025) <<https://spring96.org/en/news/119380>> accessed 19 February 2026.

76. LawTrend.org, ‘Мониторинг НКО в Беларуси, находящихся в процессе принудительной ликвидации и принявших решение о самоликвидации’ <<https://www.lawtrend.org/liquidation-nko>> accessed 19 February 2026.

77. Human Rights Watch, ‘Belarus authorities target top human rights group’ (29 September 2021) <<https://www.hrw.org/news/2021/09/29/belarus-authorities-target-top-human-rights-group>> accessed 19 February 2026.

78. SB.by, ‘Волонтёры - крысы, или как работает агентура зарубежья’ (20 December 2022) <<https://www.sb.by/articles/volontery-krysy-ili-kak-rabotaet-agentura-zarubezhya.html>> accessed 19 February 2026.

79. CIVICUS, ‘NGO laws’ <<https://www.civicus.org/index.php/fr/component/tags/tag/ngo-laws>> accessed 19 February 2026.

to organisations labelled as “terrorist” is punishable under Article 290-1 of the Criminal Code (“financing of terrorist activities”), with penalties of up to 15 years’ imprisonment. Inclusion in the list of “terrorist organisations or persons” is decided through an extrajudicial procedure by the KGB. Parallel to this, Belarus maintains an “extremist” list under the Law “On Countering Extremism”. Organisations or informal groups may be recognised as “extremist formations” by the Ministry of Internal Affairs or the KGB, also through extrajudicial procedures. Donations, fundraising or any form of cooperation with such formations may lead to criminal prosecution under Articles 361-2 (“financing of extremist activity”) or 361-4 (“participation in an extremist formation”) of the Criminal Code, carrying penalties of up to eight and seven years of imprisonment respectively. Criminal cases have been initiated even in relation to donations made prior to the formal designation of organisations as “extremist”. (80)

In this context, meaningful cooperation between Belarusian authorities and independent national NGOs in the identification of persons in need of international protection has become impossible. The combined effect of mass liquidation of civil society organisations, criminalisation of informal assistance, and restrictions on access to detention facilities and border areas has resulted in the near-total absence of independent monitoring and external safeguards for detained migrants and asylum-seekers. Consequently, identification of persons in need of international protection now depends almost exclusively on the actions of state authorities themselves, without effective oversight by independent actors or meaningful involvement of civil society.

### **C. Safeguards ensuring effective access to asylum procedure**

#### 1. Availability of interpretation

Under Belarusian law, all foreigners who do not speak Belarusian or Russian are entitled to free interpretation services in the course of detention and removal proceedings. (81) This guarantee formally applies irrespective of a person’s migration status and is intended to ensure that individuals are able to understand the proceedings affecting them, as well as their rights and obligations. However, there is limited publicly available information on how consistently interpretation services are provided in practice during detention and removal proceedings.

#### 2. Availability of information about the right to seek asylum

International human rights standards require that persons detained in the context of migration procedures be informed of their right to seek international protection. The UN Working Group on Arbitrary Detention (hereinafter “WGAD”) has stated that “[a]ll those detained in the course of

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80. Human Constanta, ‘Repression without borders: transnational authoritarianism in the digital age’ <[https://humanconstant.org/wp-content/uploads/2025/12/repression-without-borders\\_-transnational-authoritarianism-in-the-digital-age\\_human-constant\\_2025-1-1.pdf](https://humanconstant.org/wp-content/uploads/2025/12/repression-without-borders_-transnational-authoritarianism-in-the-digital-age_human-constant_2025-1-1.pdf)> accessed 19 February 2026.

81. Процессуально-исполнительный кодекс Республики Беларусь об административных правонарушениях от 20 декабря 2006 г. № 194-3 (Procedural-Executive Code of Administrative Offences of the Republic of Belarus of 20 December 2006) art 2.11(2) (ПЕСАО); Уголовно-процессуальный кодекс Республики Беларусь от 16 июля 1999 г. № 295-3 (Criminal Procedure Code of the Republic of Belarus of 16 July 1999) (CPC) art 507(1)(10).

migration proceedings must be properly informed of their right to seek asylum”. (82) This position is shared by the UNHCR and UN Special Rapporteur on the human rights of migrants. (83)

Belarusian legislation establishes a general obligation to inform detained foreigners of their rights. Article 17 of the Law on Foreigners provides that foreigners who are detained or subjected to custodial measures, including detention or house arrest, must be informed without delay, in a language they understand, of the reasons for their detention or application of custodial measures and of the rights they enjoy under national legislation. This provision does not explicitly mention the right to seek international protection. As a result, it does not, in itself, guarantee that detained foreigners are specifically informed of their right to apply for asylum.

Belarusian authorities assert that such information is nevertheless provided in practice. The SBC has claimed that “[i]t has been an established practice, that border guards inform the apprehended person of his/her rights upon detention, including their right to seek asylum and of the relevant procedures within the Republic of Belarus”. (84) Similarly, the Mol has “expressed its intention” (85) to ensure that detained foreigners are informed of their right to apply for international protection through oral consultations, the provision of printed materials, and the placement of information stands in accessible locations. (86)

At present, Human Constanta is unable to independently verify or refute these claims. However, previous research indicates that certain units of the Mol, including the DCM, have at times failed to comply with their general obligation to inform detained foreigners of their rights. (87) In 2017, Human Constanta interviewed nine foreign nationals detained in Minsk in connection with peaceful protests. All respondents reported that they had not been fully informed of their rights at the time of apprehension or during detention, and that DCM representatives who visited them in detention did not provide such explanations. (88) (89)

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82. UN Working Group on Arbitrary Detention, ‘Revised Deliberation No 5 on deprivation of liberty of migrants’ (7 February 2018) 34.

83. UNHCR, ‘Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights’ Compilation Report’ (September 2016) 89(c); Special Rapporteur on the human rights of migrants, ‘Report of the Special Rapporteur on the human rights of migrants on his mission to Greece’ (24 April 2017) 132.

84. UNHCR, Regional Cross-border Conference and Mission: Refugee Protection and Border Cooperation, 20–22 September 2011, Lviv, Ukraine. Conference Report (2011) 9.

85. This expression is used in the Protocol of Intent. Most likely, it means that the Mol has made certain plans for the future but it does not necessarily mean that at the present time the Ministry acts in accordance with the expressed intention.

86. Protocol of intent to cooperate regarding the issue of monitoring of access of foreigners and stateless persons to refugee status determination procedure in the Republic of Belarus concluded between Ministry of the Interior of the Republic of Belarus, Representation of the United Nations High Commissioner for Refugees in the Republic of Belarus, Representation of the International Organization for Migration in the Republic of Belarus, republican public association “Belarusian Red Cross Society” and public association “Belarusian Movement of Medical Workers” (2013) (2)(д) (Protocol of Intent).

87. Human Constanta, ‘Apprehension. Detention. Expulsion. Analytical report on what may happen to foreign citizens apprehended in Belarus’ (2017) <<https://humanconstantat.org/en/analytical-report-on-the-detention-of-foreign-citizens-in-the-republic-of-belaru>> accessed 19 February 2026.

88. Ibid 4, 10–12.

89. Ibid 12–15.

### 3. Availability of legal aid

Article 62 of the Constitution of Belarus guarantees everyone the right to legal assistance for the exercise and protection of their rights and freedoms. This includes the right, at any time, to seek assistance from lawyers or other representatives before courts, state bodies, local authorities, enterprises, institutions, organisations, public associations, as well as in relations with officials and private individuals. In cases specified by law, legal assistance is to be provided at the expense of state funding. The Constitution further prohibits any obstruction to the provision of legal assistance.

In practice, however, access to legal aid in Belarus is significantly constrained. As of 2024, only 1,605 attorneys were authorised to provide legal assistance in a country with a population of over 9 million. (90) This structural shortage affects the availability of legal services for the population at large and has particularly severe consequences for foreigners deprived of liberty in the migration context.

#### **Criminal and administrative procedures**

Access to legal aid for foreigners detained in the context of migration depends on the type of procedure applied – criminal or administrative.

In criminal proceedings, detainees enjoy a guaranteed right to defence. If necessary, a lawyer must be provided by and at the expense of the state. (91) By contrast, Belarusian law does not provide for state-funded legal aid in administrative proceedings, including cases related to deportation.

Article 2.8 of the Procedural-Executive Code of Administrative Offences (hereinafter “PECAO”) provides that a person against whom administrative proceedings, including deportation, are initiated has the right to defence, which may be exercised either personally or through a lawyer. However, the exercise of this right is subject to procedural requirements that, in practice, make access to legal assistance extremely difficult for detained foreigners.

Under Article 4.5 of the PECAO, a lawyer’s authority must be confirmed by a lawyer’s certificate together with either a power of attorney issued in simple written form or a warrant. At the same time, paragraph 4 of the Decree of the Ministry of Justice of the Republic of Belarus dated 03.02.2012 No. 37 “On approval 25 of Instructions on the procedure for issuing, recording and storing orders” stipulates that a warrant may only be issued on the basis of a contract for legal assistance concluded between the lawyer (or law office) and the client.

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90. Defenders.by, ‘Как изменилась ситуация с доступностью юридической помощи в Беларуси за 2024 год’ (7 March 2025) <<https://web.archive.org/web/20220120012843/https://defendersbelarus.org/kak-izmenilas-situacija-s-dostupnostju-yurpomoshi>> accessed 19 February 2026.

91. CPC (n 81) art 45.

As a result, a detained foreigner must first invite a lawyer to the place of detention in order to sign a contract for legal assistance or issue a power of attorney. Only after these formalities are completed can the lawyer act on the detainee's behalf. However, lawyers are not permitted to enter places of administrative detention without a warrant, creating a procedural deadlock. In practice, this makes access to legal assistance virtually impossible for many detained foreigners, especially those who do not speak Russian or Belarusian and have no contacts or support networks in Belarus.

### **Lack of an effective free legal aid system**

Belarus effectively lacks a comprehensive system of free legal aid. (92) While the law provides for limited forms of legal assistance financed by bar associations, this support is generally restricted to specific categories of cases (such as labour disputes) or groups of individuals (for example, World War II veterans, persons with disabilities, or minors). (93) Even in such cases, assistance is usually limited to oral consultations. Other individuals may be exempted from payment only by a discretionary decision of the bar association.

This system fails to meet the legal needs of low-income individuals and shifts the financial burden of ensuring access to justice from the state to individual lawyers. For detained foreigners, who often lack financial resources altogether, this effectively means a denial of legal assistance.

### **Legal aid in extradition cases**

Against this background, foreigners detained for the purpose of extradition are in a comparatively more favourable position than other detained foreigners. They are guaranteed a meeting with a lawyer, which may allow them to become aware of their right to seek asylum and to ensure that an application for international protection is properly lodged and considered. (94) Without such guaranteed access to legal counsel, they would face the same obstacles as foreigners detained under administrative migration procedures.

## **D. Suspensive effect of lodging an application for international protection**

Where a foreigner who is subject to a deportation (95) or expulsion (96) order applies for international protection, the execution of the deportation or expulsion procedure is automatically suspended for the duration of the asylum procedure. This suspension covers both the administrative examination of the application by the DCM and, where applicable, judicial

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92. Defenders Belarus, Кризис белорусской адвокатуры: как вернуть право на защиту. Специальный отчет о состоянии дел в белорусской адвокатуры, о репрессиях адвокатов, нарушении права на защиту и о том, как следует реформировать адвокатуру для исправления ситуации, 'Оказание юридической помощи за счет средств коллегии адвокатов' <[https://report2022.defendersbelarus.org/pomosh\\_sredstva\\_kollegij](https://report2022.defendersbelarus.org/pomosh_sredstva_kollegij)> accessed 19 February 2026.

93. Закон Республики Беларусь «Об адвокатуре и адвокатской деятельности в Республике Беларусь» от 30 декабря 2011 г. № 334-3 (The Law on the Bar and Legal Practice in the Republic of Belarus of 30 December 2011 No 334-3) art 28.

94. CPC (n 81) section 55.

95. Deportation (the term used in the legislation, Russian: депортация) is a type of punishment that may be imposed on foreigners for a variety of offences, primarily violations of migration law. See Code of Administrative Offences art 6.8.

96. Expulsion (the term used in the legislation, Russian: высылка) may be applied to a foreigner who poses a threat to national security, public order, public morals or public health, or to the rights and freedoms of others, as well as in certain other circumstances. See Law on Foreigners art 65(1).

review of the DCM’s decision. (97) Deportation and expulsion are the only removal procedures for which such a suspensive effect is explicitly stipulated by the legislation upon the submission of an asylum application.

The suspension of other forms of removal – such as extradition or removal under a readmission agreement – is not explicitly envisaged in the legislation. However, the obligation to suspend these procedures follows from the general prohibition on the removal of asylum-seekers contained in article 5 of the Law on Refugees, read in conjunction with the statutory definition of “removal”, which encompasses all forms of enforced transfer from Belarus. (98)

In practice, the authorities appear, at least in some cases, to adhere to this interpretation. For example, the extradition of Shabnam Khudoydodova, a political activist from Tajikistan apprehended in Belarus upon Tajikistan’s extradition request, was suspended for the whole duration of the RSDP. (99) Similarly, the extradition of Hicri Mamash, a Turkish national of Kurdish origin accused of an “attempt on the unity and territorial integrity of the state”, was suspended pending the completion of the asylum procedure. (100)

At the same time, this practice has not been consistent. In 2023, Nizomiddin Nasriddinov was extradited to Tajikistan before the expiry of the statutory time limit for appealing the denial of international protection in Belarus, effectively depriving him of the opportunity to challenge that decision. (101)

## **E. “Distributive quotas” for the registration of applications for international protection**

The Law on Refugees provides for a mechanism to distribute asylum-seekers between the DCM divisions across the six regions of Belarus. This distribution is based on quotas established annually by the Mol. (102) The quotas determine “the maximum limit of receipt of foreigners applying for protection by citizenship and migration divisions” (103) for a given year.

Under this mechanism, when a foreigner applies for international protection at a DCM division that has exhausted its quota for registering applications, or that is unable to provide accommodation,

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97. Expulsion – see Law on Foreigners art 68(1) para 2; Deportation – see PECAO art 23.1(1)(1).

98. Article 2 (part 5) of the Law on Refugees states “removal of a foreigner from the Republic of Belarus refers to deportation, expulsion, the other forced and controlled transfer of a foreigner through the State Border [...] from the Republic of Belarus, as well as in cases, envisaged by legislative acts of the Republic of Belarus, resolutions of the Council of Ministers of the Republic of Belarus and international treaties of the Republic of Belarus, controlled departure of a foreigner from the Republic of Belarus on his/her own.”

99. Nadejda Atayeva, ‘Shabnam Khudoydodova is free!’ (26 February 2016) <<https://nadejda-atayeva-en.blogspot.com/2016/02/shabnam-khudoydodova-is-free.html?m=0>> accessed 19 February 2026.

100. Human Constanta, Free Legal Office for the Protection of the Rights of Foreign Citizens and Stateless Persons: Report for 2020 (23 March 2021) 18–19 <<https://humanconstantat.org/en/free-legal-office-for-the-protection-of-the-rights-of-foreign-citizens-and-stateless-persons-report-for-2020/>> accessed 19 February 2026.

101. Human Constanta, ‘Statement on the Extradition of Tajik Activist Nizomiddin Nasriddin from Belarus’ (7 January 2026) <<https://humanconstantat.org/en/statement-on-the-extradition-of-tajik-activist-nizomiddin-nasriddin-from-belarus/>> accessed 19 February 2026.

102. Law on Refugees (n 14) art 10 (1) para 7.

103. Ibid art 2 (11).

the applicant is redirected to another DCM division where the quota has not yet been reached. (104) At the same time, applications from certain categories of foreigners must be registered by a DCM division irrespective of whether its annual quota has been exhausted. (105)

National legislation does not detail the procedure to be followed in a situation where all DCM divisions have exhausted their quotas. Importantly, however, the quotas function as an organisational and distribution tool rather than as a formal admission limit to the RSDP.

In this regard, the DCM has clarified that the purpose of the “distributive quotas” is not to limit the number of asylum-seekers granted access to the RSDP. (106) The DCM has further stated that, should all its divisions exhaust their quotas, the acceptance of applications for international protection would not be suspended. According to the DCM, in such circumstances the Mol would amend the initially established quotas.

It should be noted, however, that the Law on Refugees does not impose an obligation on the Mol to revise or increase quotas once they are exhausted. The law merely grants the Mol the authority to do so, (107) leaving such amendments to its discretion.

## F. Practice

Belarusian authorities do not consistently comply with their obligation to ensure unimpeded access to the RSDP for foreigners. Over the past decade, Human Constanta has repeatedly documented cases of arbitrary denial of access to international protection.

One of the most prominent examples is the case of Murad Amriev, (108) a Russian national of Chechen origin who in 2017 fled persecution in the Russian Federation. After being apprehended while attempting to cross into Ukraine, he repeatedly requested to apply for asylum in Belarus but was denied access to the procedure by detention facility officials in the Gomel region. Authorities also refused a Belarusian lawyer access to him. Journalists recorded Amriev stating from a window of the ROVD building that his asylum and legal assistance requests were being ignored. (109) Belarus later transferred Amriev to Russia, where he was handed over to Chechen law

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104. Ibid art 38 (2).

105. Правила пребывания в Республике Беларусь иностранных граждан и лиц без гражданства, ходатайствующих о предоставлении статуса беженца, дополнительной защиты или убежища в Республике Беларусь, и иностранных граждан и лиц без гражданства, которым предоставлены статус беженца, дополнительная защита, убежище или временная защита в Республике Беларусь, утвержденные Постановлением Совета Министров Республики Беларусь от 14 апреля 2009 г № 461 (Rules of Stay in the Republic of Belarus of Foreign Nationals and Stateless Persons Applying for Refugee Status, Subsidiary Protection or Asylum in the Republic of Belarus and Foreign Nationals and Stateless Persons Granted Refugee Status, Subsidiary Protection, Asylum or Temporary Protection in the Republic of Belarus) art 16(2) <[https://etalonline.by/document/?regnum=c20900461&q\\_id=4546916](https://etalonline.by/document/?regnum=c20900461&q_id=4546916)> accessed 19 February 2026.

106. DCM, Reply to the Author’s request for information (10 April 2018) (on file with the author).

107. Law on Refugees (n 14) art 10 (1) para 7.

108. Human Rights Watch, ‘Protect Murad Amriev: Martial Arts Athlete in Grave Danger of Torture in Chechnya’ (9 June 2017) <<https://www.hrw.org/news/2017/06/09/protect-murad-amriev>> accessed 19 February 2026.

109. Телеканал «Дождь», ‘Бойца MMA Мурада Амриева передали сотрудникам МВД Чечни’ (9 June 2017) [https://tvrain.ru/teleshow/here\\_and\\_now/boitsa\\_mma\\_amrieva-436838/](https://tvrain.ru/teleshow/here_and_now/boitsa_mma_amrieva-436838/) accessed 19 February 2026. Телеканал «Дождь», ‘Бойца MMA Мурада Амриева передали сотрудникам МВД Чечни’ (9 June 2017) available at <[https://tvrain.ru/teleshow/here\\_and\\_now/boitsa\\_mma\\_amrieva-436838/](https://tvrain.ru/teleshow/here_and_now/boitsa_mma_amrieva-436838/)>.

enforcement. (110) Despite extensive media coverage of his alleged risk upon return, Belarusian authorities denied that he had requested asylum or a lawyer, and an official investigation found no violations. (111)

In 2018-2019, Human Constanta documented additional cases involving denial of access to the RSDP in places of detention, including the case of X (name withheld at the individual's request), a national of Russia who applied for international protection while detained in Minsk in August 2018. Although he formally submitted a written application addressed to the DCM through the facility's administration, the authorities failed to register or examine his claim, created confusion regarding its receipt after his transfer to another facility, and withheld information from his lawyer. Despite his pending asylum request and claimed risk of enforced disappearance and arbitrary execution if returned to Russia, X was expelled to the Russian Federation without any substantive risk assessment, in clear violation of domestic asylum procedures and the principle of non-refoulement.

A similar pattern was observed in the case of Ismail Nalgiev, (112) Russian civic activist, who was detained in Minsk in May 2019. During his detention, his lawyer attempted to submit a written application for international protection to officers of a citizenship and migration division. The officers initially refused to accept the request. Although it was eventually accepted, Nalgiev was expelled from Belarus shortly thereafter, without any decision being taken on his application. In addition to cases involving detention, Human Constanta documented systemic obstacles faced by asylum seekers at the citizenship and migration division in Brest. Throughout 2017 and 2018, the organisation assisted and interviewed seven foreigners who reported difficulties in having their applications for international protection accepted. All interviewees stated that they had fled their countries of origin due to fear of persecution.

In February 2017, a group of 4 women from Iraq reported that staff of the Brest division refused to accept their applications for protection. Only after intervention by Human Constanta were the women allowed to apply for asylum. Three other asylum seekers - from Armenia, Georgia, and Russia (Chechnya) – who were interviewed in December 2017 and April 2018 – described conduct by division staff aimed at discouraging them from applying for protection. For example, the applicant from Armenia was told that Belarus and Armenia enjoy good bilateral relations and that her application would therefore likely be rejected. Despite this, she insisted on applying, and her application was ultimately accepted. The national of Georgia was advised that it would be easier for him to remain in Belarus if he found employment and applied for a residence permit instead of seeking international protection. After unsuccessfully searching for a job for two weeks, he returned to the division, where his application for protection was finally accepted.

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110. HRW (n 108).

111. Добрушский край, 'Начальник Добрушского РОВД рассказал подробности высылки чемпиона мира по смешанным боевым искусствам (ММА) Мурада Амриева' (9 June 2017) <<http://www.vdobrushe.by/articles/nachalnik-dobrushskogo-rovd-rasskazal-podrobnosti-vysylki-chempiona-mira-po-smeshannym>> accessed 19 February 2026.

112. Human Constanta, 'Заявление правозащитных организаций по поводу задержания и принудительной высылке Исмаила Нальгиева' (16 May 2019) <<https://humanconstanta.by/zayavlenie-pravozashhitnykh-organizacij-po-povodu-zaderzhaniya-i-prinuditelnoj-vysylke-ismaila-nalgieva/>> accessed 19 February 2026.

The applicant from Chechnya described his experience as follows:

“For several months I was trying to apply for political asylum in Poland. I ran out of money and had to sell everything: my car, my house [in Chechnya]. When I ran out of that money [left after selling off the car and the house] as well I decided to stay in Belarus. I went to the police [citizenship and migration division] with my friend, who helped me with translation, and said: “I want to apply for asylum”. There was that woman, who asked me in a threatening way: “Are you a Chechen? Why do you want to stay here [in Belarus]?” I said that I want to stay and live here [in Belarus] because at home [in Chechnya] I have problems. She told me to sit with her for an interview but warned me that she is friends with Ramzan Akhmadovich Kadyrov [the head of Chechnya] and that she will hand him over my interview. I did not want any problems, therefore I left.”

The cases of Murad Amriev, X, and Ismail Nalgiev, together with Human Constanta’s sustained monitoring and provision of legal assistance, demonstrate a recurring pattern whereby bodies of the Mol deliberately refuse or evade the registration of applications for international protection. This occurs even where officials are expressly informed of an individual’s fear of persecution or serious harm upon return to their country of origin..

These systemic shortcomings became particularly visible during the humanitarian crisis that began in 2021, when the number of people seeking protection in Belarus increased sharply. (113)(114) Against this backdrop, the denial of access to asylum procedures evolved from an occasional administrative failure into a widespread and structural practice.

Since 2021, amid the ongoing Belarus-EU border crisis, access to asylum procedures in Belarus has been severely restricted in practice. Although the formal legal framework guaranteeing the right to seek asylum remained in place, its implementation has been undermined by administrative obstruction and deliberate inaction by competent authorities.

A central obstacle is the routine refusal by DCM divisions to accept applications in person. Migrants who attempt to submit asylum applications are frequently turned away without written explanations or formal decisions, effectively preventing them from entering the procedure. In many cases, even explicit statements of fear of return do not result in the registration of an application.

Human Constanta has repeatedly assisted individuals in completing forms, submitting applications by mail, and filing complaints against unlawful refusals. However, these remedies have proven largely ineffective. Interviews with applicants are often delayed by the DCM personnel for months, leaving foreigners without legal status and exposing them to detention, fines, and deportation.

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113. Human Constanta, Humanitarian Crisis in Belarus and at the Border with the EU: Report (March 2023) <[https://humanconstanta.org/wp-content/uploads/2023/03/2022-Humanitarian-crisis-in-Belarus-and-at-the-border-with-the-EU\\_report.pdf](https://humanconstanta.org/wp-content/uploads/2023/03/2022-Humanitarian-crisis-in-Belarus-and-at-the-border-with-the-EU_report.pdf)> accessed 19 February 2026.

114. Human Constanta, Humanitarian Crisis in Belarus and at the European Union Border in 2023–2024: A Structural Analysis and Perspectives <<https://humanconstanta.org/en/humanitarian-crisis-in-belarus-and-at-the-european-union-border-in-2023-2024-a-structural-analysis-and-perspectives/>> accessed 19 February 2026.

In 2023, one Somali asylum seeker, after facing prolonged delays and administrative obstacles in Belarus, attempted to reach Finland via Russia. He was detained by Russian authorities, threatened with deportation, and coerced into signing a contract with the Russian military as a means of avoiding expulsion. Although Russian human rights activists later intervened to prevent his deployment, they were unable to stop his eventual deportation to Somalia, where his life was at serious risk. (115)

Monitoring conducted in 2022 and subsequent years documented repeated arbitrary refusals to accept asylum applications, including from specific national groups, for instance, from Cuban nationals. These refusals were issued without legal justification and often accompanied by intimidation. Given that DCM divisions are structurally linked to law enforcement bodies, many migrants feared approaching migration authorities at all.

In some cases, individuals who sought assistance from state bodies were forced to sign so-called “voluntary return” documents without being informed of their content or consequences. As a result, they were effectively deprived of the right to seek international protection.

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115. Ibid 21.

## SECTION III. ASYLUM PROCEDURE AND STATUS DETERMINATION (RSDP)

### A. Refugee status determination procedure

Under the Law on Refugees, once an application for international protection is lodged, the applicant is granted specific rights and obligations. (116) Applicants are required to substantiate their claim for protection and provide all materials relevant to the assessment of the application. They must also undergo mandatory fingerprint registration and medical examination, appear for interviews, etc. These obligations reflect the applicant's duty to cooperate with the authorities throughout the refugee status determination process.

Following the initial expression of intent, the procedure progresses through a number of sequential stages. First, the applicant is formally recorded and, where applicable, referred to a designated territorial migration unit in accordance with distributive quotas (see Section II (E) for further details). This is followed by mandatory state fingerprint registration and a medical examination, which are prerequisites for further processing of the application. Where the applicant lacks valid travel documents or presents documents suspected of being false or forged, the authorities conduct an identity verification procedure, which may include expert examination of documents and other investigative measures. (117)

The next key procedural step is the interview, which serves to clarify the factual basis of the application and the grounds for seeking protection. As a general rule, the application is registered after the interview has been conducted. However, the Law on Refugees allows for registration without an interview in limited circumstances, including cases where a decision can be taken on the basis of existing documents, where identity verification has yielded all necessary information, where the application is considered manifestly unfounded, or where the applicant is objectively unable to undergo an interview due to prolonged circumstances beyond their control. (118) Upon registration, the applicant is issued a certificate confirming the registration of the application and serving as official proof that the procedure has commenced, which is valid for the duration of the procedure, and any travel documents are retained by the migration authorities for safekeeping. (119)

After registration, the application enters the substantive examination phase. At this stage, the citizenship and migration division examines the application, collects and assesses relevant information, and prepares a reasoned conclusion. This examination includes assessment of the applicant's statements, identity verification results, circumstances of entry into Belarus, submitted documents, information from state security bodies, country-of-origin information, and any other materials relevant to the case. Where necessary, additional interviews may be conducted, medical

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116. Law on Refugees (n 14) arts 34–35.

117. Ibid art 37.

118. Ibid art 41 (2).

119. Ibid art 41 (3).

or forensic examinations ordered, or supplementary information requested from state bodies, organisations, or individuals. (120) According to Belarusian authorities, doubts arising in the course of the examination of applications for protection are interpreted in favour of the applicant. (121) The complete case file, together with the conclusion of the territorial unit, is then forwarded to the DCM for final consideration. (122)

At the departmental level, the application is reviewed and a decision is taken on whether to grant refugee status, complementary protection, or to refuse protection. The Law establishes a hierarchy of assessment: if grounds for refugee status are found, complementary protection is not examined; similarly, the issue of asylum is not considered where grounds for refusal of refugee status exist or where the applicant does not provide written consent to consider eligibility for asylum. (123) Where the authorities consider that the applicant may qualify for asylum as a distinct form of protection, and where the applicant consents in writing, the procedure enters a separate decision-making track. In such cases, the Mol transmits the case materials to the Ministry of Foreign Affairs (hereinafter “MFA”) and the KGB for their opinions on the advisability of granting asylum. The final decision on granting asylum is taken by the President in the form of a decree. If asylum is refused, the case is returned to the migration authorities for examination of eligibility for refugee status or complementary protection, ensuring that refusal of asylum does not automatically terminate access to international protection. (124)

Finally, the procedure allows for both individualised assessment and respect for family unity. While applications by family members are examined individually, the granting of protection to one family member may lead to the extension of the same status to accompanying family members, particularly minor children, provided that no exclusion grounds apply. (125) Possible procedural outcomes include suspension or termination of the procedure, granting of refugee status, granting of complementary protection, refusal of protection, or granting of asylum. (126)

## **B. Ordinary and accelerated RSDP**

The Law on Refugees provides for two types of RSDP: an ordinary procedure and an accelerated procedure. The ordinary RSDP constitutes the default mechanism for examining applications for international protection. As a general rule, it should be completed within 6 months; however, in exceptional circumstances, this period may be extended to a maximum of 12 months. (127)

An accelerated RSDP may be initiated if, following the registration of an application for protection,

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120. Ibid art 42.

121. Human Rights Council, National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21: Belarus (UN Doc A/HRC/WG.6/50/BLR/1, 11 August 2025) <<https://docs.un.org/en/A/HRC/WG.6/50/BLR/1>> accessed 19 February 2026.

122. Law on Refugees (n 14) art 42.

123. Ibid.

124. Ibid art 43.

125. Ibid art 48.

126. Ibid art 49.

127. Ibid art 44(1)(2).

it becomes apparent that the application is manifestly unfounded or abusive. (128) An application may be considered manifestly unfounded, inter alia, where the applicant originates from a safe country of origin, or where the applicant has already obtained some form of protection in a third country and is able to avail themselves of that protection. (129) The accelerated procedure is subject to significantly shorter time limits and should not normally exceed 30 days. (130)

Certain grounds for initiating an accelerated RSDP have raised concerns on the part of UNHCR. UNHCR has criticised provisions allowing an application to be deemed unfounded where an asylum-seeker provides “not credible or contradictory information relevant for decision-making on the application for protection”, (131) as well as provisions qualifying an application as abusive where a foreign national has applied for protection “to evade removal”. (132) According to UNHCR, reliance on such grounds to channel applications into an accelerated procedure is problematic, as assessments of credibility or intent are inherently subjective and may require a more thorough examination than the accelerated procedure allows. (133)

The Law on Refugees permits an asylum seeker to submit a new application for international protection on the same grounds as the initial application only after three years have elapsed since the adoption of the final decision on that initial application. (134) However, where new circumstances relevant to the granting of protection arise, an individual may submit a subsequent application regardless of this time limit. This applies to persons who were previously granted complementary protection, denied any form of protection, or whose application was discontinued. (135) The legislation does not provide for a distinct procedure for subsequent applications; such applications are examined either under the ordinary or the accelerated RSDP, depending on the circumstances of the case.

According to UNHCR data, in the period from January to June 2017, the DCM took an average of 189 days to decide an individual application for international protection. (136) In 2024, UNHCR highlighted the growing number of asylum-seekers, which led to longer examination procedures, with some applications taking up to 11 months to be processed. (137)

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128. Ibid art 45(1).

129. Ibid art 46(5)(6).

130. Ibid art 45(1)(2).

131. Ibid art 46(4).

132. Ibid art 47(7).

133. UNHCR, Комментарии УВКБ ООН к проекту Закона Республики Беларусь «О предоставлении иностранным гражданам и лицам без гражданства статуса беженца, дополнительной или временной защиты» (8 May 2007) 16–17 (on file with the author).

134. Law on Refugees (n 14) art 33(1).

135. Ibid art 33(2).

136. UNHCR, Regional Statistical Overview, 1 January–30 June 2017 (30 June 2017) <<https://www.refworld.org.ru/topic,51dc05ee4,56cc693b4,59ef533f4,0,,,html>> accessed 19 February 2026.

137. United Nations Country Team, Fourth UPR of Belarus (April 2025) UN Doc A/HRC/WG.6/50/BLR/3 [29].

## C. Practice

### 1. Denial of international protection to asylum-seekers on the basis of the safe third country concept

Belarusian legislation allows access to international protection to be restricted on the basis that an applicant can avail themselves of protection in a third country, (138) including where Belarusian authorities consider that the applicant arrived from a so-called safe third country. (139)

The concept of STC, as defined in Article 2 (para 15) of the Law on Refugees, has been the subject of sustained criticism. Under the law, an STC is a country in which a foreign national stayed prior to arrival in Belarus (excluding mere transit), where they could have applied for international protection. Such a country must observe international human rights standards, adhere to the principles of refugee protection, including the principle of non-refoulement, be party to the Refugee Convention, and possess national legislation regulating forced migration. In addition, the authorities of the third country must generally grant international protection. (140)

UNHCR has noted that this definition is problematic, as it allows for the denial of international protection based solely on the fact that an applicant arrived from a purportedly safe third country. The law does not require any assessment of whether the third country would agree to readmit the individual for the purpose of refugee status determination or whether it would, in practice, protect the individual from refoulement. (141)

According to the DCM, Belarus does not maintain a formal list of safe third countries. Instead, the assessment of whether a particular country qualifies as safe is conducted on a case-by-case basis, taking into account the criteria set out in the law. (142) The DCM has stated that it does not collect or systematise information on countries recognised as safe in individual cases. (143)

Human Constanta and Respect-Protect-Fulfill have documented the practice of denying international protection to applicants who resided in or transited through Russia prior to their arrival in Belarus. In these cases, the authorities relied, inter alia, on the safe third country concept and concluded that Russia met the safe third country criteria set out in Article 2 (para 15) of the Law on Refugees. Below is an excerpt from a 2015 DCM decision denying international protection to a Syrian applicant who arrived in Belarus after residing in Russia. (144) This reasoning is reproduced with minor adjustments in all analysed decisions:

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138. Law on Refugees (n 14) art 53(4)(3).

139. Ibid art 53(4)(4).

140. Ibid art 2(15).

141. UNHCR, Предложения УВКБ ООН по проекту Закона Республики Беларусь «О предоставлении иностранным гражданам и лицам без гражданства статуса беженца, дополнительной и временной защиты в Республике Беларусь» (April 2008) 4.

142. DCM, Reply to the author's request for information (12 February 2018) (on file with the author).

143. DCM, Reply to the author's request for information (2 March 2018) (on file with the author).

144. DCM (30 April 2015) (on file with the author).

Russia complies with international human rights standards established by international treaties, international principles regarding refugees protection, has ratified the Convention and the Protocol Relating to the Status of Refugees of 31 January 1967, and 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has national legislations regulating relations in the sphere of forced migration, in particular, Federal Law on 19 February 1993 “On refugees”, according to which Russian Federation provides foreigners with refugee status and temporary asylum. According to data from the Russian Federal migration service, during 2014 of 1386 persons from Syria, who applied for temporary asylum in the Russian Federation, 1324 persons were granted such form of protection.

Thus, the Russian Federation, in accordance with article 2 (para 15) of the Law [on Refugees], is a safe third country, upon return to which the applicant may fully realise her right to apply for protection.

This excerpt illustrates that the DCM did not conduct a comprehensive and individualised assessment of conditions in Russia. Instead, it relied on an overly formalistic approach, grounding its conclusions in generalised assertions, as well as in data of limited evidentiary value.

The risks arising from such formalistic reasoning are particularly evident in cases involving allegations of torture. Human Constanta identified decisions concerning Russian nationals of Chechen origin in which the applicants alleged a risk of torture upon return. In these cases, the DCM dismissed the risk primarily on the basis that Russia is a party to human rights treaties prohibiting torture, without engaging with extensive and credible reporting documenting the widespread use of torture by authorities in Chechnya. Such argumentation has been considered by international human rights bodies as void in instances, “where reliable sources reported practices resorted to or tolerated by the authorities, which are manifestly contrary to the principles of [international human rights law].” (145) The authorities in Chechnya have a well-documented record of subjecting detainees to torture. (146) The failure to consider such information demonstrates a lack of individualised risk assessment and raises serious concerns regarding compliance with Belarus’s obligation to prevent torture and other cruel, inhuman or degrading treatment.

While in certain other examined decisions the DCM relied on country-of-origin information from intergovernmental organisations and reputable NGOs when assessing risks of torture in other countries, the inconsistent approach observed in cases involving Russia is alarming. It highlights a broader pattern identified throughout this section: the reliance on formal indicators, such as treaty participation, without assessing actual practice and documented violations.

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145. Hirsi Jamaa and Others v Italy App no 27765/09 (ECtHR, 23 February 2012) 128; see *mutatis mutandis* Alzery v Sweden, Communication No 1416/2005 (HRC, 10 November 2006) 11.5.

146. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Russian Government on the visit to the North Caucasian region of the Russian Federation carried out from 27 April to 6 May 2011 (24 January 2013) 13–23.

In particular, in 2019 the Minsk City Court – the highest judicial authority in asylum matters – confirmed the DCM’s refusal to grant subsidiary protection to an applicant from Afghanistan who had entered Belarus from Russia. (147) The court accepted the DCM’s conclusion that Russia constituted a safe third country for the applicant, emphasising that he had lawfully entered Russia and retained the possibility to apply for asylum there, whereas his entry into Belarus had been irregular. The court further endorsed the DCM’s assessment that Russia met the statutory criteria of a safe third country, despite the fact that the applicant’s prior application for refugee status in Russia had already been rejected. This practice indicates a deferential approach by the judiciary, whereby the DCM’s formal assessment of Russia as a safe third country is accepted without a substantive review of the effectiveness of protection available in practice or the implications of a prior refusal of protection in that country.

UNHCR’s 2024 third-party intervention echoed this conclusion stating that Belarusian authorities apply the safe third-country concept extensively without the necessary legal safeguards. (148)

## 2. Failures to refer asylum-seekers to medical examination

The Law on Refugees and the RSDP Instruction provide that, where citizenship and migration divisions need to verify an asylum-seeker’s statements concerning bodily injuries connected to the grounds for seeking international protection, the applicant should be referred for a medical examination. Such examinations are intended to determine whether injuries are present, assess their severity, and evaluate when they were likely sustained. (149) However, the current wording of the RSDP Instruction appears to grant broad discretion to officials in deciding whether to order such examinations, rather than establishing a clear obligation to do so in relevant cases.

In the course of Human Constanta’s work, at least two cases in which asylum-seekers were not referred for medical examination during the RSDP, despite alleging that they had sustained bodily injuries as a result of persecution in their countries of origin, were identified. In our assessment, one factor that may enable DCM divisions to refrain from making such referrals is the absence of a sufficiently clear and mandatory legal framework.

Human Constanta considers that this provision should be amended to make referral to an independent medical examination mandatory whenever an applicant alleges that injuries were caused by violence or torture in the country of origin and are linked to the reasons for seeking protection. Such an approach would align more closely with the objectives of the Law on Refugees

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147. Minsk City Court (26 September 2019) (on file with the author).

148. UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of H.M.M. and Others v Latvia (Application No 42165/21) before the Grand Chamber of the European Court of Human Rights (2024) <<https://www.refworld.org/jurisprudence/amicus/unhcr/2024/en/148873>> accessed 22 February 2026.

149. Law on Refugees (n 14) art 42(5); RSDP Instruction (n 15) 59.

and with the recommendations of the UN Committee against Torture aimed at preventing violations of the principle of non-refoulement. The Committee has emphasised that States should adopt preventive measures, including “[t]he referral of the person alleging previous torture to an independent medical examination free of charge.” (150)

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150. Committee against Torture, General Comment No 4 (2017) on the implementation of article 3 of the Convention in the context of article 22 (9 February 2018) [18].

## SECTION IV. JUDICIAL REVIEW AND ACCESS TO LEGAL AID

This section examines the availability and effectiveness of remedies against negative asylum decisions in Belarus.

### A. Judicial review

#### 1. Overview

Asylum-seekers whose applications for international protection are rejected by the DCM, whether under the ordinary or accelerated procedure, have the right to challenge these decisions before a court. (151) Under the Law on Refugees, an asylum-seeker who does not exercise the right to appeal and has no other legal grounds to remain in Belarus must leave the country within 15 days of being notified of the DCM's decision. (152)

Appeals against DCM decisions are filed with the Court of the Central District of Minsk, where the DCM is located. (153) Both an initial appeal and a cassation appeal have automatic suspensive effect, preventing the enforcement of removal while proceedings are pending. (154)

Belarusian courts do not have the authority to grant international protection directly. Under the Civil Procedure Code, a court may either dismiss a complaint or uphold it and require the DCM to remedy deficiencies in its decision, including by conducting a new examination and issuing a new decision. (155) Judicial review is expected to cover both factual and legal aspects of the initial determination. (156)

In practice, however, judicial review fails to provide an effective legal remedy. Instances in which courts require the DCM to reconsider its decisions appear to be rare. According to UNHCR data on judicial review of asylum cases, (157) between 2012 and 2017 courts rejected complaints lodged by 229 asylum-seekers, while only 11 individuals were ultimately granted international protection by the DCM following judicial review. In 2024, UNHCR confirmed that no new successful judicial reviews were registered in Belarus. (158)

If an appeal is unsuccessful, the asylum-seeker must leave Belarus within 15 days after the court

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151. Law on Refugees (n 14) art 70(2) and art 70(1) respectively.

152. Ibid art 71(2).

153. Гражданский процессуальный кодекс Республики Беларусь от 11 января 1999 г. № 238-3 (Civil Procedure Code of the Republic of Belarus), art 360-1(1), <<https://pravo.by/document/?guid=3871&p0=hk9900238>> accessed 22 February 2026.

154. Law on Refugees (n 14) art 70(3); specific provisions: with regard to deportation – PECAO (n 81) art 20.4(1)(1); with regard to expulsion – Law on Foreigners (n 16) art 68(1)(1).

155. Civil Procedure Code (n 153) art 360-2(1).

156. Ibid arts 300(2), (5) and 418(1).

157. UNHCR, Population Statistics <[http://popstats.unhcr.org/en/asylum\\_seekers/](http://popstats.unhcr.org/en/asylum_seekers/)> accessed 22 February 2026.

158. UNHCR (n 144).

159. Law on Refugees (n 14) art 71(1).

decision enters into force, (159) unless a fresh application for international protection is submitted or removal cannot be carried out for other legal or practical reasons. (160)

## 2. Appeal procedure following an ordinary RSDP

A negative decision of the DCM adopted under the ordinary refugee status determination procedure may be appealed to a first-instance court within 15 days from the date on which the asylum seeker becomes familiar with the decision. (161) If the appeal is unsuccessful, the applicant may lodge a cassation appeal with the Minsk City Court within 10 days after the appellate decision is delivered. (162) The judgement of the second instance court is final and enters into force immediately upon adoption. (163) In practice, the entire appeal process usually lasts up to four months.

## 3. Appeal procedure following an accelerated RSDP

A negative decision adopted by the DCM under an accelerated procedure may be appealed to a court within 7 days from the date on which the asylum seeker becomes familiar with the decision. (164) Judicial decisions in such cases are final, cannot be further appealed, and enter into force immediately. (165) The overall duration of the appeal process in accelerated cases is typically up to 40 days.

The seven-day deadline for filing an appeal against a negative decision issued under the accelerated procedure makes it extremely difficult for asylum seekers to prepare an effective legal challenge, particularly if assisted by non-specialised lawyers. A similar concern has been expressed by the European Council on Refugees and Exiles (hereinafter “ECRE”), which considers the time limit excessively short. (166)

Another identified shortcoming of the accelerated appeal procedure is the absence of a cassation stage before a second-instance court. While the UNHCR acknowledges that limitations on further appeals may be justified in accelerated procedures, (167) ECRE argues that the complete absence of a cassation review undermines effective judicial protection. (168) Although ECRE does not provide detailed legal reasoning in this regard, such limitations may raise concerns in relation to Article 22 of the Constitution of Belarus, which guarantees equal protection of rights without discrimination.

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160. Ibid.

161. Ibid art 70(2).

162. Civil Procedure Code (n 153) art 410(1).

163. Ibid art 432.

164. Law on Refugees (n 14) art 70(1).

165. Civil Procedure Code (n 153) art 360-2(2).

166. ECRE, Republic of Belarus Country report 2009: Situation for refugees and asylum seekers (2009), page 6, <[https://documentation.lastradainternational.org/lisidocs/ECRE\\_Report\\_Bel%20.pdf](https://documentation.lastradainternational.org/lisidocs/ECRE_Report_Bel%20.pdf)> accessed 24 February 2026.

167. UNHCR, Refugee Protection and Mixed Migration: The 10-Point Plan in Action (February 2011) 175–176.

168. ECRE (n 166) 7.

## B. Access to legal aid

Belarusian law does not entitle asylum seekers to free state-funded legal aid during the RSDP or subsequent judicial review. (169) Under international law, however, access to legal assistance is widely regarded as an element of the right to an effective remedy and an important safeguard for the effective enjoyment of procedural rights. (170) In certain circumstances, the absence of legal aid may therefore amount to a violation of an individual's rights.

At a minimum, Belarus appears to comply with UNHCR Executive Committee Conclusion No. 8, which recommends that asylum-seekers receive “the necessary guidance as to the procedure to be followed.” (171) Although there is no statutory legal aid scheme, the Law on Refugees guarantees foreigners applying for international protection in Belarus the right to be informed about their rights, obligations, and RSDP. (172) Correspondingly, officers of the DCM divisions are required to familiarise asylum-seekers with these matters and to provide them with an information note (Russian: “информационное сообщение”) outlining the relevant procedures and safeguards. (173)

In addition, asylum-seekers must be informed of their right to contact the UNHCR Office in Belarus. (174) This is a significant practical safeguard, as the UNHCR facilitates access to free legal assistance. As noted in Section I (B) of this report, such assistance is primarily delivered through the RCS, which provides free consultations on issues related to the RSDP and appeal procedures. In practice, the UNHCR and the RCS co-operate closely: asylum-seekers who approach the UNHCR for legal support are typically referred to the RCS. Sometimes DCM officers themselves inform applicants about the possibility of receiving help from the RCS.

In practice, the RCS functions as the main provider of free legal assistance. Its staff advise asylum-seekers on procedural and substantive aspects of the RSDP, may attend RSDP interviews, assist detained asylum-seekers in challenging detention, and commonly prepare or support the preparation of appeals against negative decisions of the DCM, in co-operation with the UNHCR or private lawyers. The RCS maintains offices in the capital cities of all regions as well as in Minsk, with at least one consultant in each location. RCS staff are permitted to conduct monitoring visits to places of detention operated by the Mol and the SBC, (175) although such visits must be arranged in advance – typically 48 hours prior with the Mol and 72 hours prior with the SBC. (176) However, RCS staff are not authorised to represent asylum-seekers before courts.

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169. For the purpose of this research the term “legal aid” is used in a broad sense encompassing the provision of legal assistance and legal representation.

170. ECRE/ELENA, Survey on Legal Aid for Asylum Seekers in Europe (October 2010) 12–19.

171. UNHCR Executive Committee, Conclusion No 8 (XXVIII) Determination of Refugee Status (1977) para (e)(ii).

172. Law on Refugees (n 14) art 34 (1)(1).

173. RSDP Instruction (n 15) p.14(1) and (8).

174. Ibid p.14(2) and Attachment 7.

175. Protocol of Intent (n 86) p.1.

176. Regarding visits to detention facilities operated by the Mol, see Protocol of Intent (n 86) p. 5(d).

Overall, despite the absence of a statutory system of state-funded legal aid, asylum-seekers in Belarus do not generally lack access to legal assistance in practice. Authorities appear to inform applicants about available support mechanisms, while the UNHCR and the RCS play a central role in ensuring that free legal aid and procedural guidance are accessible throughout the asylum process.

## SECTION V. RECEPTION CONDITIONS FOR ASYLUM-SEEKERS AND BENEFICIARIES OF PROTECTION

This section outlines the legal rules regulating reception conditions in Belarus and examines special measures and benefits afforded to specific groups of forced migrants.

### A. Reception conditions

#### 1. Freedom of movement

During the RSDP, or the period necessary to appeal a negative decision of the DCM, as well as during the period granted for departure from Belarus in case of a negative decision, an asylum-seeker is required to reside within the territory of the region of Belarus where their application for international protection was registered. (177) If the place of residence changes, the asylum-seeker must inform the relevant citizenship and migration division without delay. (178)

Asylum-seekers may temporarily leave the region where their application for protection is registered for up to 3 working days (excluding weekends and public holidays). (179) During this period, they may move freely around the territory of Belarus, with the exception of areas requiring a special permit, such as border zones and border strips, or areas where counterterrorism operations are undergoing. (180) If an asylum-seeker leaves the region of residence, they must notify the relevant citizenship and migration division in advance. (181)

#### 2. Financial aid

Upon registration of an application for international protection, an asylum-seeker is entitled to a one-time financial allowance in the amount of one base rate. (182) (183)

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177. Law on Refugees (n 14) art 35(11).

178. Ibid art 35(12).

179. Law on Refugees (n 14) art 35(11)-(12); Law on Foreigners (n 16) art 48(5)-(6).

180. Постановление Совета Министров Республики Беларусь от 3 февраля 2006 г. № 145 «Об утверждении перечня мест, для посещения которых, и объектов, для въезда на территорию которых и пребывания на ней иностранным гражданам, лицам без гражданства необходимо специальное разрешение, а также государственных органов и иных организаций, уполномоченных выдавать такие разрешения» (Resolution of the Council of Ministers of the Republic of Belarus No 145 of 3 February 2006) <[https://etalonline.by/document/?regnum=c20600145&q\\_id=4546868](https://etalonline.by/document/?regnum=c20600145&q_id=4546868)> accessed 22 February 2026.

181. Law on Refugees (n 14) art 35(8), as interpreted by the DCM in Reply to the author's request for information (19 July 2019) (on file with the author).

182. "Base rate" is an economic indicator, which is used in Belarus as a nominal standard for determining the amount of social benefits, taxes, fees, fines, etc. Its amount changes, at least, yearly. As of 21 January 2026, one base rate amounted to BYN 45.32 (approximately EUR 13).

183. Постановление Совета Министров Республики Беларусь от 14 апреля 2009 г. № 461 «О вопросах предоставления иностранным гражданам и лицам без гражданства статуса беженца, дополнительной защиты, убежища и временной защиты в Республике Беларусь» (Resolution of the Council of Ministers of the Republic of Belarus No 461 of 14 April 2009) <[https://etalonline.by/document/?regnum=c20900461&q\\_id=4546916](https://etalonline.by/document/?regnum=c20900461&q_id=4546916)> accessed 22 February 2026, § 1.1(1); Положение о порядке предоставления денежной помощи, оказываемой иностранным гражданам и лицам без гражданства, ходатайствующим о предоставлении статуса беженца, дополнительной защиты или убежища в Республике Беларусь, и иностранным гражданам и лицам без гражданства, которым предоставлены статус беженца или убежище в Республике Беларусь, утвержденное Постановлением Совета Министров Республики Беларусь от 14 апреля 2009 г. № 461 (Regulations on the Procedure for Granting Monetary Assistance to Foreign Citizens and Stateless Persons) para 2.

In accordance with Resolution of the Council of Ministers No. 461 “On the issues of granting to foreign citizens and stateless persons of refugee status, complementary protection, asylum, and temporary protection in the Republic of Belarus” (hereinafter “Resolution No. 461”), and the “Regulations on the procedure for granting monetary assistance to foreign citizens and stateless persons applying for refugee status, complementary protection, or asylum in the Republic of Belarus, and to foreign citizens and stateless persons granted refugee status or asylum in the Republic of Belarus” (hereinafter “Regulations on monetary assistance”), additional one-time financial assistance may be granted to an asylum-seeker upon request if they lack sufficient resources for basic needs.

Such assistance may cover:

1. Travel expenses related to visiting a citizenship and migration division responsible for the RSDP; (184)
2. Food, in which case financial assistance may be granted in an amount not exceeding 5 base rates (as of 21 January 2026, BYN 225, approximately EUR 65); (185)
3. Clothing, in which case financial assistance may be granted in an amount not exceeding 4 base rates (as of 21 January 2026, BYN 180, approximately EUR 52). (186)

Financial aid is not provided to asylum-seekers who are detained, arrested (including under house arrest), or serving a prison sentence. (187)

Additional financial assistance for food and clothing is provided, as a rule, to particularly vulnerable categories of asylum-seekers, including single pensioners, persons with disabilities, single mothers with children under the age of 16, persons without relatives in Belarus, and families with three or more children under the age of 16. (188) A decision on the request for such assistance must be taken within three working days of submission, (189) and the approved assistance must be provided within 15 working days. (190)

Apart from the above-mentioned forms of support, asylum-seekers are not entitled to any other state financial assistance.

Asylum-seekers, as well as persons who have been granted international protection, may also seek financial assistance from the UNHCR. (191) This assistance is distributed in collaboration with the Belarusian Post Office (Belpost), ensuring that asylum-seekers and refugees could receive cash-based assistance in any part of Belarus. (192) Applications for financial assistance are

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184. Resolution No 461 (n 183) para 1.1(2).

185. Ibid para 1.1(5).

186. Ibid para 1.1(6).

187. Ibid para 1.1(7–10).

188. Regulations on Monetary Assistance (n 183) para 6(2).

189. Ibid para 5.

190. Ibid para 7(2).

191. UNHCR, Belarus Fact Sheet <<https://www.unhcr.org/by/media/bi-annual-fact-sheet-2026-02-belarus-eng>

192. Ibid.

assessed on an individual basis and granted primarily to the most vulnerable individuals, including unaccompanied minors, unaccompanied women, unaccompanied persons over the age of 60, single-parent families with three or more children, families with a pregnant woman, and persons with severe disabilities. (193)

### 3. Housing

The state may provide accommodation to asylum-seekers who lack sufficient resources. This form of assistance may be granted in one of two ways:

1. Placement free of charge in a state-run temporary accommodation centre for asylum-seekers; (194) or
2. Reimbursement of rental costs in private accommodation in an amount not exceeding ten base rates per person per month (as of 21 January 2026, BYN 450, approximately EUR 130); (195)

Assistance with accommodation is provided, as a rule, to particularly vulnerable asylum-seekers, including single pensioners, persons with disabilities, single mothers with children under the age of 16, persons without relatives in Belarus, and families with three or more children under the age of 16. (196) A decision on granting housing assistance must be taken within three working days following the submission of a request by the asylum-seeker. (197)

There are two state-run accommodation centres for asylum-seekers in Belarus:

1. reception centre in Vitebsk is operated by the Mol; it can accommodate up to 30 persons; and
2. reception centre in Gomel is operated by the Gomel City Executive Committee; it can accommodate up to 26 persons. (198)

Following the onset of Russia's full-scale invasion into Ukraine in February 2022, housing and accommodation were identified as priority needs by Ukrainian asylum-seekers and refugees. (199) Although UN agencies did not explicitly report a lack of places in Belarusian accommodation centres, the reliance on private housing arrangements and the reported challenges in accessing adequate accommodation indicate that existing reception capacity was limited, particularly during the initial phase of displacement.

As noted above, the state may alternatively reimburse the cost of accommodation in private housing, up to ten base rates per person per month. However, the authorities do not pay

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193. Information provided by the UNHCR Representation in Belarus in an email to Human Constanta (16 February 2018) (on file with the author).

194. Resolution No 461 (n 183) para 1.1(3).

195. Ibid para 1.1(4).

196. Regulations on Monetary Assistance (n 183) para 6(2).

197. Ibid para 5.

198. DCM, reply to the author's request for information (24 February 2026) (on file with the author).

199. UNHCR, Belarus: Surveys of refugees from Ukraine — needs, intentions and integration challenges, Jan–Mar 2023 (2023) <<https://data.unhcr.org/en/documents/details/120040>> accessed 22 February 2026.

accommodation costs in advance: reimbursement is made retroactively, within 15 working days from the date an asylum-seeker submits a rental agreement or an invoice from a hotel. (200) Consequently, asylum-seekers are required to cover the cost of rent for the first month themselves and receive reimbursement only afterwards. If asylum-seekers lack the resources to pay for accommodation upfront, they may rely only on financial assistance from UNHCR, which is also limited. (201)

#### 4. Employment and education

Asylum-seekers in Belarus enjoy the right to work on an equal basis with nationals, subject to certain statutory limitations. In particular, they may not be elected to state bodies or occupy positions that are reserved exclusively for citizens of Belarus. (202)

To facilitate access to employment, asylum-seekers may apply to local Committees on Labour, Employment, and Social Protection for assistance in job placement.

Underage asylum-seekers (persons under the age of 18) are entitled to free access to pre-school, secondary, and special education within the state education system. (203)

In addition, with the support of UNHCR, certain non-governmental organisations and universities provide free Russian language courses for asylum-seekers. (204) These courses have been organised in several cities, including Minsk, Gomel, Brest, and Vitebsk, and aim to support linguistic integration and access to education and employment. (205)

#### 5. Healthcare

Upon applying for international protection, asylum-seekers are required to undergo a medical examination. (206) The purpose of this examination is to assess the individual's health condition and to identify any diseases. The examination is conducted free of charge at state healthcare institutions by a medical commission consisting of at least three medical doctors. The scope of the examination and the involvement of specialised medical practitioners are determined in accordance with applicable clinical protocols and the asylum-seeker's individual health needs. (207)

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200. Regulations on Monetary Assistance (n 183) § 9(1).

201. UNHCR (n 56) 6.

202. Law on Refugees (n 14) art 34(1)(8); Law on Foreigners (n 16) arts 11(1), 19, 20.

203. Law on Refugees (n 14) art 34(2).

204. UNHCR (n 56).

205. BELTA, Языковые курсы и IT, медпомощь и консультации - как в Беларуси помогают семьям беженцев (5 March 2020) <<https://belta.by/society/view/jazykovye-kursy-i-it-medpomoshch-i-konsultatsii-kak-v-belarusi-pomogajut-semjam-bezhentsev-382220-2020/>> accessed 22 February 2026.

206. Law on Refugees (n 14) art 39.

207. Инструкция о порядке проведения обязательного медицинского освидетельствования иностранных граждан и лиц без гражданства, ходатайствующих о предоставлении статуса беженца, дополнительной защиты или убежища в Республике Беларусь, утверждённая Постановлением Министерства здравоохранения Республики Беларусь от 7 мая 2009 г. № 49 (Instruction on the Procedure for Conducting Compulsory Medical Examination of Foreign Nationals and Stateless Persons Applying for Refugee Status, Subsidiary Protection or Asylum in the Republic of Belarus, adopted by Resolution of the Ministry of Healthcare of the Republic of Belarus No 49 of 7 May 2009), paras 3 and 5 <[https://etalonline.by/document/?regnum=w20920988&q\\_id=4547607](https://etalonline.by/document/?regnum=w20920988&q_id=4547607)> accessed 22 February 2026.

Adult asylum-seekers are entitled to free emergency medical (208) provided by state hospitals. (209) Access to non-emergency medical services is available on a fee-paying basis. (210) Underage asylum-seekers are entitled to access the state healthcare system on the same terms as nationals of Belarus, namely free of charge. (211)

## 6. Counselling

Asylum-seekers in Belarus may obtain counselling on general matters from the RCS. In addition to administering financial assistance, the RCS provides asylum-seekers with social counselling, facilitates access to basic and preventive medical care, including consultations with specialised doctors, and offers assistance with employment and vocational training. (212)

The accommodation centre for asylum-seekers in Gomel operates as part of the state-run Gomel City Centre for Social Services for Families and Children. (213) As a result, asylum-seekers residing at the centre have access to the same services that the Centre provides to the general public. These services are delivered by a multidisciplinary team that includes social workers, psychologists, and a lawyer, among other specialists. (214)

## **B. Preferential treatment of migrants from Ukraine**

Since August 2014, with subsequent amendments adopted in 2022 and 2025, Belarus has applied a special legal regime to nationals of Ukraine and stateless persons who previously resided in Ukraine and arrived in Belarus. (215) The regime is designed to facilitate entry, stay, residence, employment, and social integration. Access to these measures does not require an application for asylum, although asylum-seekers may also benefit from the regime.

### 1. Residence and migration status

Beneficiaries are granted a number of procedural privileges related to migration status. On a one-time basis, they are exempt from state administrative fees for registration of temporary stay,

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208. According to article 16 (part 11) of the Law on Healthcare (Закон «О здравоохранении»), “emergency medical care” (“скорая медицинская помощь”) is a type of medical care that is provided in the event of a sudden occurrence of a disease, a condition, or an exacerbation of a chronic disease that requires emergency or urgent medical intervention. According to article 16 (part 13), emergency medical intervention (“экстренная медицинская помощь”) is rendered when a patient’s life or other persons’ lives are under threat. According to article 16 (part 14), urgent medical intervention (“неотложная медицинская помощь”) is rendered when there are no manifest threats to a patient’s life, but s/he requires urgent medical intervention.

209. Law on Refugees (n 14) art 34(1)(7).

210. Law on Healthcare art 5 (2).

211. Law on Refugees (n 14) art 34 (2).

212. UNHCR (n 56).

213. Gomel City Executive Committee, Городской центр социального обслуживания семьи и детей <<https://gomel.gov.by/ru/content/economics/upravlenie-po-trudu-zanyatosti-i-sots-zashchite-predlagaet/gorodskoy-tsentr-sotsialnogo-obslyzhvaniya-semi-i-detey/>>; archived at <https://archive.ph/grRNp> accessed 22 February 2026.

214. Ibid.

215. Указ Президента Республики Беларусь от 30 августа 2014 г. № 420 «О лицах, прибывших в Республике Беларусь» (Decree of the President of the Republic of Belarus No 420 of 30 August 2014) <<https://ilex-private.ilex.by/view-document/BELAW/231096/#M100059>> accessed 22 February 2026, para 1.1.

issuance of temporary residence permits, consideration of permanent residence applications, and issuance of biometric residence permits. (216)

Where there is an objective impossibility to provide required documentation, beneficiaries are exempt from submitting documents normally required for temporary or permanent residence, issuance of biometric residence permits, and certain procedures related to acquisition of Belarusian citizenship. (217) Recognition (nostrification) of foreign education documents is not required for migration purposes. (218)

## 2. Healthcare

Nationals of Ukraine and stateless persons arriving from Ukraine who do not hold temporary or permanent residence permits are entitled to medical care on par with Belarusian citizens. (219) This means that their access to medical care is not limited to emergency care only and subject to the same procedural requirements and cost arrangements applicable to Belarusian citizens.

## 3. Employment

The special regime introduced simplified access to the labour market. Employers may hire nationals of Ukraine without prior recognition of educational qualifications issued in Ukraine. (220) Employers are exempt from state fees for the issuance or one-time extension of permits to attract foreign labour and special employment permits, (221) as well as from submitting certain documents where there is an objective impossibility to provide them. (222)

## 4. Education

Underage nationals of Ukraine temporarily staying in Belarus have access to pre-school, general secondary, and special education on par with Belarusian minors. (223) Where there is an objective impossibility to provide documentation, legal representatives are exempt from submitting required documents for admission, certification through external examinations, and access to related social protection measures. (224)

Educational institutions may admit nationals of Ukraine to vocational, secondary specialised, higher, and specialised higher education on par with citizens of Belarus. (225)

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216. Ibid para 1.1 (1)

217. Ibid para 1.1 (2).

218. Ibid para 1.1 (3).

219. Ibid para 1.2.

220. Ibid para 1.3 (1).

221. Ibid para 1.3 (2).

222. Ibid para 1.3 (3).

223. Ibid para 1.4.

224. Ibid para 1.5.

225. Ibid para 1.6.

## SECTION VI. PROTECTION AGAINST REFOULEMENT

This section analyses the implementation of the principle of non-refoulement in law and practice and assesses Belarus's compliance with decisions and interim measures issued by international human rights bodies.

### A. Guarantees against refoulement in national law

The principle of non-refoulement is enshrined in article 5 of the Law on Refugees and article 17-1 of the Law on Foreigners. The substance of protection provided under these two provisions is largely identical.

Both articles prohibit removals of individuals to states, where their life or freedom would be endangered for reasons of race, religion, nationality, ethnicity, membership of a particular social group or political opinion, or where they would be under the threat of death penalty, or where their life would be endangered as a result of violence arising from an international or non-international armed conflict. However, this protection does not apply to aliens, who pose a threat to the national security of Belarus or who have committed a crime classified under the Belarusian Criminal Code as grave or particularly grave.

Notwithstanding these exceptions, both articles establish an absolute prohibition on the removal of foreigners to countries where they would face a risk of torture.

The main distinction between the two provisions lies in their personal scope. Article 17-1 of the Law on Foreigners applies to all foreigners within Belarusian jurisdiction. (226) By contrast, article 5 of the Law on Refugees applies only to specific categories of aliens, namely:

1. aliens applying for protection;
2. aliens granted refugee status, complementary protection, asylum, or temporary protection;
3. aliens whose applications for protection were discontinued;
4. aliens denied refugee status or complementary protection;
5. aliens who lost refugee status, complementary protection, or asylum;
6. aliens whose refugee status or complementary protection was withdrawn;
7. aliens whose asylum was withdrawn. (227)

The principle of non-refoulement, as it is enshrined in both the Refugee Convention and the ICCPR, encompasses protection against chain (or indirect) refoulement. (228) This obligation

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226. Law on Foreigners (n 16) art 17-1(1).

227. Law on Refugees (n 14) art 5 (1).

228. UNHCR, Written Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Sharifi and Others v Italy and Greece (Application No 16643/09) 2 <<https://www.refworld.org/pdfid/4afd25c32.pdf>> accessed 22 February 2026; Human Rights Committee, General Comment No 31 [80] The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (26 May 2004) 12.

requires States not only to refrain from transferring an individual to a country where they would face a real risk of serious human rights violations, but also to ensure that any intermediate country of removal will respect the principle of non-refoulement and will not expose the individual to onward transfer to such a risk. (229)

Neither the Law on Refugees nor the Law on Foreigners contains an explicit prohibition of chain refoulement or establishes procedural guarantees aimed at preventing it. This absence of clear legal safeguards may create uncertainty for the authorities responsible for removal as to the correct application of the principle of non-refoulement, particularly in situations involving transfer to third countries. This gap is especially concerning in situations of forcible removal, where individuals have little or no control over the destination and where, in the absence of mandatory assessments of onward refoulement risks, removals may be carried out without sufficient guarantees of effective protection in the receiving state.

In Belarus, asylum-seekers whose applications for international protection are rejected on the basis of the STC concept are particularly exposed to the risk of chain refoulement. This risk stems from deficiencies in the way the STC concept is incorporated into national legislation. As discussed in Section III (C)(1), the Law on Refugees allows the authorities to deny international protection to an applicant who has transited through an alleged safe third country without requiring confirmation that the applicant will be admitted to that country for the purpose of undergoing refugee status determination proceedings there. Consequently, Belarusian authorities may return such individuals to an alleged STC without ensuring that they will have access to a fair and effective asylum procedure, or that they will be protected against onward removal to a country where they may face persecution or other serious human rights violations.

## **B. Lack of protection against refoulement afforded by UN**

Until 7 February 2023, Belarus was a State Party to the Optional Protocol to the ICCPR (hereinafter “Optional Protocol”), (230) under which it recognised the competence of the UN Human Rights Committee to receive and consider individual communications alleging violations of rights protected under the ICCPR. (231) Following Belarus’s withdrawal from the Optional Protocol, the UN Committee on the Elimination of Discrimination against Women (hereinafter “CEDAW”) remains the only international human rights treaty body with competence to consider individual communications against Belarus.

Although CEDAW has not to date examined communications submitted by forcibly displaced women in removal contexts, even if such complaints were to be lodged, the likelihood of obtaining

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229. UNHCR, “Note on the Principle of Non-Refoulement” <<https://www.refworld.org/policy/legalguidance/unhcr/1997/ar/36258>> accessed 22 February 2026.

230. Постановление Верховного Совета Республики Беларусь от 10 января 1992 г. № 1393-XII «О ратификации Факультативного протокола к Международному пакту о гражданских и политических правах от 16 декабря 1966 года о признании компетенции Комитета по правам человека в соответствии со статьей 41 настоящего Пакта» (Resolution of the Supreme Soviet of the Republic of Belarus No 1393-XII of 10 January 1992).

231. Optional Protocol to the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 art 1.

effective protection would appear limited. The practice of the UN HRC during the period when the Optional Protocol was in force demonstrates that the Belarusian authorities systematically failed to comply with the Committee's Views and to respect its requests for interim measures.

### 1. Systematic non-compliance with the interim measures

Pursuant to rule 94 of its Rules of Procedure, adopted under article 39 of the ICCPR, the HRC may indicate interim measures to a State party in order to prevent irreparable harm to the alleged victim while a communication is under consideration. (232) The Committee has consistently affirmed that compliance with such measures is mandatory, and that failure to comply “constitutes a grave breach of the State party's obligations under the Covenant and the Optional Protocol.” (233) In removal-related cases, the HRC's standard practice is to request States to suspend deportation or extradition pending its examination of the communication. (234)

Belarus's position on compliance with interim measures has been clearly demonstrated in practice. A prominent example is the case of Alexander Lapshin, who was detained in Minsk for the purpose of extradition to Azerbaijan. After exhausting domestic remedies, Lapshin submitted an individual communication to the HRC and requested interim measures to halt his extradition. Although the Committee granted the request, Belarus extradited him five days later, on 7 February 2017, in direct disregard of the interim measures. (235)

In more recent case of Hicri Mamas, a Turkish national of Kurdish origin represented by Human Constanta, the authorities initiated extradition proceedings after rejecting his application for international protection, notwithstanding his claims that he faced a real risk of torture if returned to Türkiye. The HRC indicated interim measures requesting Belarus to refrain from removing Mamas pending consideration of his communication. (236) However, the Belarusian Ministry of Foreign Affairs publicly maintained that the Committee's requests for interim measures are not legally binding. Mamas was extradited to Türkiye before the Committee could render its Views. (237)

### 2. Lack of compliance with the HRC's Views

Belarus has consistently maintained that the HRC's Views are merely recommendatory and do not entail binding legal force. (238) On this basis, the government argues that domestic legislation does

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232. HRC, “Rules of procedure of the Human Rights Committee” (9 January 2019) CCPR/C/3/Rev.11, rule 94.

233. HRC, “Concluding Observations with respect to Uzbekistan” (31 March 2005) CCPR/CO/83/UZB [6].

234. Helen Keller and Cedric Marti, ‘Interim Relief Compared: Use of Interim Measures by the UN Human Rights Committee and the European Court of Human Rights’ (2013) 73(3) Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 347.

235. Report of Non-Governmental Organisations on the Implementation by the Republic of Belarus of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 63rd Session of the Committee against Torture <[https://www.ecoi.net/en/file/local/1430838/1930\\_1524750825\\_int-cat-css-blr-30686-e.pdf](https://www.ecoi.net/en/file/local/1430838/1930_1524750825_int-cat-css-blr-30686-e.pdf)> accessed 22 February 2026, p. 70.

236. Human Constanta, Комитет по правам человека ООН требует не высылать курда Хиджри Мамаша из Беларуси <<https://humanconstantat.org/komitet-po-pravam-cheloveka-oon-trebuuet-ne-vysylat-kurda-xidzhri-mamasha-iz-belarusi/>> accessed 22 February 2026.

237. Human Constanta, Беларусь не дала зашхиту турецкому курду и отправляет его на пытки <<https://humanconstantat.org/belarus-ne-dala-zashhitu-tureckomu-kurdu-i-otpravlyayet-ego-na-pytki/>> accessed 22 February 2026.

238. HRC, Belarus: Universal periodic report. Third Cycle <<https://documents.un.org/doc/undoc/gen/g20/052/76/pdf/g2005276.pdf>> accessed 22 February 2026, 11.

not provide mechanisms for the implementation of the Committee's Views. (239) This position is reflected in practice. As a rule, Belarusian authorities take no steps to give effect to the HRC's findings at the national level. As of March 2025, the Committee had found violations of the ICCPR in more than 200 individual communications concerning Belarus, (240) none of which had been implemented by the government. (241)

The Mehrdad Jamshidian case illustrates the practical consequences of this approach in the context of non-refoulement. In November 2017, the HRC concluded that Belarus would violate Articles 6 and 7 of the ICCPR if it were to expel the applicant to Iran. (242) However, no action was taken by the authorities to give effect to the Committee's Views. On the contrary, in 2018–2019 the authorities actively pursued Jamshidian's removal.

In June 2018, Jamshidian was detained for identification purposes after his Iranian passport had expired. (243) While he remained in detention, the authorities decided in March 2019 to deport him to Iran on the ground that he lacked a valid identity document. (244) This decision was subsequently appealed and annulled by a court. Thereafter, the authorities ordered Jamshidian to leave Belarus voluntarily within three months. Ultimately, in June 2019, he was permitted to remain in the country "for humanitarian reasons," without the authorities explicitly acknowledging the risk of torture and the lack of fair trial guarantees in Iran. (245)

Although the final outcome aligns with the conclusions reached by the HRC, it cannot be established that the Committee's Views played a decisive role in the authorities' decision. First, the deportation order was issued after the HRC had already adopted its Views, indicating that these were initially ignored in line with Belarus's longstanding practice. Second, the authorities never acknowledged that the deportation decision was reversed in response to the Committee's findings. Third, the change in approach occurred only after significant domestic advocacy, including two petitions submitted to various national institutions, among them the Presidential Administration. This suggests that public pressure, rather than international oversight, may have been the decisive factor influencing the authorities' eventual decision.

In light of the above, it appears that for foreigners, including those seeking international protection in Belarus, the individual communications procedure under the Optional Protocol did not provide a predictable or effective safeguard against refoulement. Given this established pattern of non-compliance, it is reasonable to expect that any future CEDAW decisions would be treated similarly, further limiting the practical protective value of that procedure.

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239. Ibid.

240. Centre for Civil and Political Rights, Database and Case Law Briefs <[https://ccprcentre.org/database\\_decisions?filter=1](https://ccprcentre.org/database_decisions?filter=1)> accessed 22 February 2026.

241. National Human Rights Coalition, Alternative Report on the Implementation of the International Covenant on Civil and Political Rights in the Republic of Belarus, 3 <[https://belhelcom.org/sites/default/files/int\\_ccpr\\_css\\_blr\\_31288\\_e.pdf](https://belhelcom.org/sites/default/files/int_ccpr_css_blr_31288_e.pdf)> accessed 22 February 2026.

242. Merhdad Mohammad Jamshidian v Belarus, Communication No 2471/2014, UN Doc CCPR/C/121/D/2471/2014 (Views adopted on 8 November 2017) 10.

243. Human Constanta, Позиция правозащитной организации Human Constanta по делу Мехрдада Джамшидиана <<https://humanconstantaby.poziciya-pravozashhitnoj-organizacii-human-constantaby-po-delu-mexrdada-dzhamshidiyana/>> accessed 22 February 2026.

244. Ibid.

245. Ibid.

## C. Application of non-refoulement standards to specific categories of foreigners

### 1. Treatment of asylum-seekers from Russia: instances of refoulement and recognition rates

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Between June 2017 and December 2025, Human Constanta documented six cases in which Russian nationals were removed from Belarus in violation of the principle of non-refoulement. These cases concerned Murad Amriev, (246) Imran Salamov, (247) Luiza Dudurkaeva, (248) Vladimir Egorov, (249) Ismail Nalgiev, (250) and another individual whose relatives requested that his identity not be disclosed; this person is referred to below as “X”. (251) They illustrate that Russian nationals, particularly those originating from the North Caucasus or otherwise perceived as being of interest to Russian security services, may face a risk of refoulement at any stage of their stay in Belarus, including during transit, detention, asylum proceedings, or removal procedures.

Statistical data further illustrates the lack of effective protection available to Russian nationals in Belarus. (252) According to UNHCR statistics, in 2000-2003, 56 Russian nationals applied for international protection in Belarus. All of these applications were closed without a decision on protection needs, (253) most likely because the applicants withdrew their applications or left the country.

Between 2004 and 2007, no Russian nationals applied for international protection in Belarus. (254) In the period from 2008 to 2025, 164 Russian nationals lodged applications. (255) As of 1 January 2019, there were most likely no Russian nationals in Belarus who had been granted refugee status or complementary protection. This is notable given that, between 2008 and 2018, Russia ranked sixth among countries of origin of asylum applicants in Belarus, after Ukraine, Afghanistan, Syria, Georgia, and Iraq.

As of 31 December 2025, only three Russian nationals had been granted complementary

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246. Human Rights Watch, Protect Murad Amriev <<https://www.hrw.org/news/2017/06/09/protect-murad-amriev>> accessed 22 February 2026.

247. Human Constanta, Belarus Wants to Expel to Russia a Refugee from Chechnya, Who Risks Being Tortured There (16 August 2017) <<https://www.humanconstantaby.org/single-post/Zelimkhan-expel>>; Human Constanta, Belarus Has Unlawfully Expelled to Russia a Refugee from Chechnya. Now He Might Face Torture (6 September 2017) <<https://www.humanconstantaby.org/single-post/Imran-deported>>; Human Constanta, Прокуратура Бреста признала, что беженец из Чечни Имран Саламов был выслан из Беларуси в нарушение законодательства (28 September 2017) <<https://www.humanconstantaby.org/single-post/2017/09/28/Salamov-prokuratura>> accessed 22 February 2026.

248. Human Rights Watch, Belarus police stop Chechen woman en route to safety in Norway <<https://www.hrw.org/news/2017/09/07/belarus-police-stop-chechen-woman-en-route-safety-norway>> accessed 22 February 2026.

249. Human Constanta, Егоров vs Беларусь: Верховный суд по сути подтвердил незаконную депортацию Имрана Саламова <<https://humanconstantaby.org/2017-09-11-egorovadv/>> accessed 22 February 2026.

250. Human Constanta, Заявление правозащитных организаций по поводу задержания и принудительной высылке Исмаила Налгиева <<https://humanconstantaby.org/zayavlenie-pravozashhitnykh-organizacij-po-povodu-zaderzhaniya-i-prinuditelnoj-vysylke-ismaila-nalgieva/>> accessed 22 February 2026.

251. Human Constanta, Беларусь хочет выслать в Россию беженца из Чечни, которому на родине угрожает применение пыток <<https://humanconstantaby.org/belarus-xochet-vyslat-v-rossiyu-bezhenca/>> accessed 22 February 2026.

252. UNHCR, popstats.

253. Ibid.

254. Ministry of Internal Affairs of the Republic of Belarus, Вынужденная миграция <<https://www.mvd.gov.by/ru/page/departament-po-grazhdanstvu-i-migracii/vynuzhdennaya-migraciya>> accessed 22 February 2026.

255. Ibid.

protection and six had been recognised as refugees in Belarus. (256) A shift in the approach of the Belarusian authorities appears to have occurred following the case of Nikolai Mikhailichev, (257) a Russian citizen and member of the religious organisation Jehovah's Witnesses. He was detained on 21 February 2020 in Gorodok, in north-eastern Belarus, during an identity check, when it was discovered that he was listed on an international wanted notice issued by Russia. In Russia, Jehovah's Witnesses have been designated as an extremist organisation, exposing Mikhailichev to a real risk of unfounded criminal prosecution solely on the basis of his religious beliefs. In Belarus, however, Jehovah's Witnesses are officially registered and operate legally. This legal distinction enabled the Belarusian authorities to refuse his extradition and to grant Mikhailichev a form of protective status in Belarus.

Documented cases indicate that Russian nationals may encounter serious difficulties at every stage of the asylum, detention, or removal process in Belarus. The presence of legal counsel, or even the involvement of UNHCR, does not guarantee protection against refoulement. In practice, expulsion procedures are frequently used in place of formal extradition, despite the fact that extradition proceedings offer broader procedural safeguards and greater opportunities to challenge refoulement. (258) Such substitution is possible, in part, because national law does not clearly prescribe for an extradition procedure in case security agencies become aware of a wanted person being present in the country. (259)

The cases of Murad Amriev and Imran Salamov, mentioned earlier in this report, demonstrate a clear willingness on the part of the Belarusian authorities to cooperate closely with Russian security services, even where such cooperation results in violations of domestic law and international human rights obligations.

Belarus and Russia maintain exceptionally close political, legal, and security ties, reflected in an extensive network of bilateral treaties. A key instrument is the Treaty between the Russian Federation and the Republic of Belarus on the Equal Rights of the Citizens, which provides that "citizens of Belarus and Russia enjoy equal civil rights and freedoms provided by the legislation of the Contracting Parties" (Article 3). (260) Their long-standing alliance has also resulted in the creation of the Union State (261) and the elimination of the land border controls. (262) While this cooperation may serve legitimate objectives, it significantly heightens the risk that criminal-justice cooperation mechanisms are used to facilitate persecution and refoulement of individuals sought for political or other illegitimate reasons.

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256. Ibid.

257. Human Constanta, Belarus Is Going to Extradite Jehovah's Witness to Russia Where He Is at Risk of Criminal Prosecution of Religion <<https://humanconstantat.org/en/belarus-is-going-to-extradite-jehovahs-witness-to-russia-where-he-is-at-risk-of-criminal-prosecution-of-religion/>> accessed 22 February 2026.

258. CPC (n 81) section XV.

259. Ibid art 510.

260. Treaty between the Russian Federation and the Republic of Belarus on the Equal Rights of the Citizens (25 December 1998) (Russian: Договор между Республикой Беларусь и Российской Федерацией о равных правах граждан).

261. Treaty on the Creation of the Union State (1999) (Russian: Договор о создании Союзного государства).

262. Treaty on Friendship, Good-Neighbourliness and Cooperation between the Russian Federation and the Republic of Belarus (21 February 1995) (Russian: Договор о добрососедстве, дружбе и сотрудничестве между Российской Федерацией и Республикой Беларусь).

Security cooperation between Belarus and Russia is particularly close. Both states are parties to the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases, (263) which regulates, inter alia, requests for the search and handover of wanted persons. (264) More importantly, Belarus and Russia (along with Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, and Uzbekistan) are parties to the Treaty of Member-states of the Commonwealth of Independent States on the interstate search of persons, (265) which established a shared database of wanted individuals. Access to and control over this database are limited exclusively to the participating states, and the treaty provides no independent oversight mechanism to ensure its lawful use. In addition, the Belarusian and Russian Ministries of Interior have adopted bilateral measures to enhance cooperation in the search for wanted persons; these measures are not publicly available.

Given Belarus's longstanding reluctance to grant refugee status or complementary protection to Russian nationals, and in light of the documented cases of refoulement of individuals wanted by the Russian authorities, Russian nationals cannot rely on effective international protection in Belarus. Granting such protection would require an implicit acknowledgement of persecution and ineffective domestic remedies in Russia, an acknowledgement that the Belarusian authorities appear unwilling to make in view of the close historical and political ties between the two countries.

## 2. Transiting migrants

### 2016-2020 border crisis

Since September 2016, Human Constanta has been assisting asylum-seekers from Russia, primarily from Chechnya, who transit through Brest aiming to apply for international protection, mainly in Poland. (266) Testimonies collected by the Human Constanta team between 2016 and 2020 indicate that Russian nationals faced security concerns while in Belarus, stemming from the close cooperation between Belarusian and Russian authorities and the lack of effective control over the land border between the two countries. As a result, although most individuals were aware of the possibility of applying for international protection in Belarus, they did not consider this option due to the risk of refoulement to Russia and the persistent practice of Belarusian migration authorities refusing protection to Russian nationals. Similar accounts were documented by a researcher from

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263. Конвенция о правовой помощи и правовых отношениях по гражданским, семейным и уголовным делам (заключена в г. Минске 22 января 1993 г., вступила в силу 19 мая 1994 г., для Российской Федерации - 10 декабря 1994 г., с изм. от 28 марта 1997 г.) (Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, concluded in Minsk on 22 January 1993, entered into force on 19 May 1994).

264. Ibid arts 56-71.

265. Договор государств - участников Содружества Независимых Государств о межгосударственном розыске лиц от 10 декабря 2010 г. (Treaty of the Member States of the Commonwealth of Independent States on Interstate Search for Persons, 10 December 2010).

Human Constanta, Invisible Refugees on Belarus-Poland Border. Primary Assessment of Local Migration Crisis in Brest-Terespol Sector (September 2016) 4 <[https://docs.wixstatic.com/ugd/ce31b5\\_f1eaa1531938476ea14976b14565ba55.pdf?index=true](https://docs.wixstatic.com/ugd/ce31b5_f1eaa1531938476ea14976b14565ba55.pdf?index=true)> accessed 22 February 2026; Human Constanta, Invisible Refugees on the Border of Belarus and Poland 2016-2017 (2017) 6 <[https://docs.wixstatic.com/ugd/ce31b5\\_f58ebc71594504b8539f4ea7e3ce07.pdf](https://docs.wixstatic.com/ugd/ce31b5_f58ebc71594504b8539f4ea7e3ce07.pdf)> accessed 22 February 2026; Human Constanta, Overview of the Situation with "Transit Refugees" in Brest (11.2017 – 04.2018) (2018) 4 <[https://docs.wixstatic.com/ugd/ce31b5\\_addcc452a5c6438e867f738c385c824e.pdf](https://docs.wixstatic.com/ugd/ce31b5_addcc452a5c6438e867f738c385c824e.pdf)> accessed 22 February 2026.

the Polish NGO Helsinki Foundation for Human Rights during research conducted in October 2016. (267)

In addition to these structural risks, the conduct of the citizenship and migration division and its units in Brest constitutes a further source of insecurity for transiting asylum seekers. Russian nationals are entitled to stay in Belarus visa-free and without the obligation to register with the authorities for up to 90 days in a calendar year. (268) However, during raids conducted by the citizenship and migration division in Brest, some asylum seekers who had not exceeded this 90-day limit had their authorised term of stay shortened, requiring them to leave the country earlier than permitted under the general regime. (269)

Although such decisions might formally be appealed before domestic courts, foreigners were typically not informed of this possibility, rendering the available remedy ineffective in practice. The citizenship and migration division justified the reduction of the term of stay by asserting that, in respect of a particular foreigner, there were sufficient grounds to believe that he or she might use the territory of Belarus for illegal migration to a third country. (270) This practice was particularly troubling given its arbitrary character. In all cases documented by Human Constanta, individuals whose term of stay was reduced on the alleged grounds of a risk of illegal migration had neither attempted to cross the Belarusian border irregularly nor taken any preparatory steps to do so. On the contrary, each time they sought entry to Poland, they travelled through designated border checkpoints and complied with border procedures.

The reduction of the permitted period of stay in these cases, based solely on the individuals' multiple travels to Poland, together with the failure to inform them of available remedies and, in some instances, the issuance of verbal instructions to leave the country or threats of deportation, exerted significant pressure on asylum seekers to depart Belarus. Where such pressure results in individuals leaving the territory under circumstances that expose them to a real risk of return to unfounded persecution or to torture, these practices may amount to a hidden form of refoulement.

### Belarus-EU border crisis (2021-ongoing)

Since the onset of the Belarus–EU border crisis in 2021, Belarusian authorities have repeatedly and systematically violated the principle of non-refoulement. These violations have occurred through deportations, expulsions, and coerced returns of migrants without individualised assessments of protection needs or risks upon return. Throughout the crisis, migrants, primarily nationals of conflict-affected countries such as Iraq, Syria, Afghanistan, and Iran, were deprived of

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267. Marta Szczepanik, 'Border Politics and Practices of Resistance on the Eastern Side of "Fortress Europe": The Case of Chechen Asylum Seekers at the Belarusian–Polish Border' (2018) 7(2) Central and Eastern European Migration Review 9.

268. Ministry of Foreign Affairs of the Republic of Belarus, 'Forms of Foreigners' Staying on the Territory of the Republic of Belarus' <<http://mfa.gov.by/en/visa/formsofstaying/>> accessed 25 February 2026.

269. Human Constanta, Overview of the Situation with "Transit Refugees" in Brest (September–December 2018) (2019) 12 <<https://humanconstantat.org/wp-content/uploads/2019/02/Overview-of-the-situation-with-%E2%80%9Ctransit-refugees%E2%80%9D-sep-dec.pdf>> accessed 25 February 2026.

270. Human Constanta, Overview of the Situation with "Transit Refugees" in Brest (11.2017 – 04.2018) (2018) 13 <[https://docs.wixstatic.com/ugd/ce31b5\\_addcc452a5c6438e867f738c385c824e.pdf](https://docs.wixstatic.com/ugd/ce31b5_addcc452a5c6438e867f738c385c824e.pdf)> accessed 22 February 2026.

access to asylum procedures, legal assistance, and effective remedies, and have been removed to countries where many faced a real risk of persecution, violence, or inhuman or degrading treatment.

A core element of these violations has been the systematic denial of access to asylum procedures. Migrants apprehended in Belarus have routinely not been informed of their right to seek international protection and have been prevented from submitting asylum applications or having their protection claims formally registered. Detained individuals have been denied access to lawyers, interpreters, and representatives of international organisations such as UNHCR and IOM. In the absence of these procedural safeguards, migrants had no effective opportunity to articulate protection needs or to challenge removal decisions. Human Constanta documented cases in which individuals explicitly expressed an intention to seek asylum but were deported before any application could be registered. In 2024, an Afghan national stated his wish to apply for international protection while in detention; although UNHCR representatives later visited him following a request from foreign journalists, no effective steps were taken to secure access to the asylum procedure, and the individual was ultimately deported. He later reported that he had never been given a real opportunity to submit an application. (271)

In parallel, Belarusian authorities have relied extensively on so-called “voluntary return” mechanisms, which in practice functioned as a form of forced removal. During the autumn of 2021, Belarus facilitated evacuation flights and returns from Minsk to migrants’ countries of origin, presenting these measures as humanitarian. (272) However, multiple reports indicate that consent was frequently obtained through coercion. Migrants were compelled to sign voluntary return forms while in detention or under the threat of prolonged confinement, without being informed of their right to seek asylum and without undergoing any screening for protection risks. (273) Data collected by IOM underscore the protection relevance of these cases: approximately 51% of surveyed returnees from Belarus reported that they had been seeking asylum, while 7% cited violence or persecution as a reason for leaving their country of origin. (274) Despite these clear indicators, Belarusian authorities failed to assess whether returnees would face serious harm upon return, rendering these “voluntary” returns incompatible with the principle of non-refoulement.

After a period of relative neglect of transit migrants in 2021-2022, Belarus significantly intensified detentions and deportations of foreigners in 2024. This escalation coincided with the Collective Security Treaty Organisation operation “Illegal Migrant-2024” and the period preceding the January 2025 presidential elections. During this time, migration control measures were explicitly expanded to target transit migrants, including Afghan and Iranian nationals arriving from Russia

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271. Human Constanta (n 114) 21.

272. Deutsche Welle, Poland-Belarus border: Repatriated Iraqi migrants arrive home <https://www.dw.com/en/poland-belarus-border-repatriated-iraqi-migrants-arrive-home/a-59853919> accessed 25 February 2026.

273. Human Constanta (n 113) 6-7.

274. IOM, Migration from Iraq to European Union Countries: A Survey of Returnees from the Belarusian Migration Crisis (April 2022) [https://iraqdtm.iom.int/files/BorderMonitoring/2023155636945\\_DTM\\_Returnees\\_From\\_Belarusian\\_Migration\\_Crisis\\_April\\_2022.pdf](https://iraqdtm.iom.int/files/BorderMonitoring/2023155636945_DTM_Returnees_From_Belarusian_Migration_Crisis_April_2022.pdf) accessed 25 February 2026.

with the intention of crossing into the EU. These individuals were detained and deported on the formal grounds of lacking valid Belarusian visas, without any assessment of risks related to armed conflict, political repression, or persecution in their countries of origin. (275) Deportations were carried out both forcibly and through the “voluntary return” scheme, which in practice often involved coercion. Migrants reported being pressured to purchase tickets and agree to leave Belarus under threat of prolonged detention in facilities intended only for short-term administrative arrests. Human Constanta documented cases in which foreign nationals, including Afghan citizens, were coerced into confirming their “voluntary” return to avoid extended detention. (276)

In addition to formal deportations, Belarusian authorities have engaged in informal expulsions to Russia under the pretext of readmission, particularly targeting migrants without identity documents or with expired Russian visas. These removals are carried out without any official documentation or legal procedure. Rather than initiating the identification process and conducting screening for potential risks in the country of origin, Belarusian authorities expel migrants informally across the border. Such practices place individuals in legal limbo and expose them to repeated detention, onward removal, or indirect refoulement, including eventual return to countries where they face persecution, violence, or other serious harm. (277)

Taken together, the persistent denial of access to asylum procedures, the absence of individualised risk assessments, the use of coerced “voluntary” returns, and the practice of informal expulsions to the Russian Federation demonstrate a consistent and deliberate pattern of refoulement by Belarusian authorities during the Belarus-EU border crisis. These practices are not isolated incidents but form part of a structural approach to migration control that disregards core safeguards of international protection. As such, they amount to a serious and ongoing violation of Belarus’ obligations under international refugee law and international human rights law.

### 3. Wanted foreigners

#### Legislation

Under Belarusian law, a foreign national or a stateless person who has committed a crime outside the territory of Belarus and is present on Belarusian territory may be extradited to a foreign state for the purpose of criminal prosecution or for the execution of a sentence. (278) Extradition is carried out primarily on the basis of international treaties to which Belarus is a party. These include, in particular, the CIS Conventions on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 (the Minsk Convention) and 7 October 2002 (the Chisinau Convention), as well as numerous bilateral treaties on legal assistance concluded by Belarus with other states, including Lithuania, Cyprus, Poland, Hungary, Türkiye, Lebanon, and others. As a rule, the extradition provisions contained in bilateral agreements largely replicate the standards and procedures established under the CIS conventions.

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278. CPC (n 81) art 7(2).

In the absence of an applicable international treaty, Belarusian law allows extradition to be carried out on the basis of the principle of reciprocity. Article 7(3) of the Criminal Code provides for such extradition, subject to the procedure set out in Section XV of the Code of Criminal Procedure. In practice, where a person is detained in Belarus following the receipt of a formal extradition request and the required procedural documentation from a state party to the Chisinau Convention, and where no formal grounds for refusal are invoked, decisions on extradition are generally taken in favour of surrender. As a result, foreigners placed on international or interstate wanted lists face a particularly high risk of expulsion from Belarus.

Belarusian law formally provides a number of safeguards intended to prevent unlawful extradition and refoulement. Article 484 of the Code of Criminal Procedure establishes mandatory grounds for refusing to execute an extradition request. In particular, extradition shall not be permitted if:

- the person concerned has been granted refugee status, asylum, temporary protection or complementary protection in Belarus and, under Belarusian law, cannot be expelled;
- the extradition request is aimed at prosecuting or punishing the person on the grounds of race, sex, religion, nationality, citizenship, membership of a particular social group, or political opinion;
- the offence for which extradition is sought is punishable by the death penalty under the law of the requesting state, while the death penalty is not applicable under Belarusian law, and the requesting state has failed to provide sufficient written assurances that a death sentence will not be imposed or enforced.

Comparable safeguards are also enshrined in Article 89 of the Chisinau Convention, which grants States the discretion to refuse extradition, inter alia, where the requested person has been granted asylum or refugee status.

## Practice

Despite the existence of formal guarantees, in recent years foreigners who were placed on international wanted lists or whose extradition was requested by their country of origin have faced a substantial risk of refoulement in Belarus.

As a result, Belarus cannot be considered a safe country for most foreigners sought by their countries of origin. A limited exception appears to exist for individuals who are politically favoured by the Belarusian authorities, including certain high-ranking former officials of post-Soviet States. (279) For all other categories of foreigners, removal may occur without an effective, individualised assessment of the risks they would face in the country of destination, including the risk of torture, ill-treatment, or politically motivated prosecution.

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279. TUT.BY, Экс-министр обороны Украины Михаил Ежель получил статус беженца в Беларуси (18 July 2018) <<https://web.archive.org/web/20180724095154/https://news.tut.by/economics/601216.html>> accessed 25 February 2026; TUT.BY, Минск отказал в выдаче бывшего премьер-министра Кыргызстана, усмотрев в преследовании политику (31 July 2018) <[https://web.archive.org/web/20180915000000\\*/https://news.tut.by/economics/602774.html](https://web.archive.org/web/20180915000000*/https://news.tut.by/economics/602774.html)> accessed 25 February 2026.

One illustrative example is the extradition of Tajik activist Nizomiddin Nasriddinov. On 24 July 2023, it became known that Nasriddinov had been extradited from Belarus to Tajikistan, where he faces a serious risk of torture and other forms of ill-treatment on account of his political beliefs. Nasriddinov was detained in Belarus on 8 January 2023 and subsequently held in custody pending extradition proceedings. On 21 February 2023, the Prosecutor General's Office of Belarus decided to grant Tajikistan's extradition request. This decision was appealed before the national courts; however, the appeal was dismissed, and the extradition order remained in force.

While in custody and awaiting extradition, Nasriddinov sought international protection in Belarus. On 13 May 2023, he formally submitted an application for asylum, drawing the authorities' attention to the risks he would face if returned to Tajikistan. Notably, Nasriddinov had already been recognised as a refugee in Germany in 2017, a status reflecting a well-founded fear of politically motivated persecution, denial of a fair trial, and a serious risk of torture in his country of origin. Despite these well-established concerns, on 30 June 2023 the Belarusian authorities rejected Nasriddinov's application for international protection. Before the expiration of the statutory deadline for appealing this decision, he was transferred to Tajikistan. As a result, Nasriddinov was effectively deprived of his right to an effective remedy, including the opportunity to challenge the denial of protection before the competent authorities. (280)

Another recurring pattern in Belarus is what may be described as "hidden extradition", whereby individuals are not extradited pursuant to formal procedures but are nevertheless expelled following the failure or termination of extradition proceedings. In several cases, expulsion orders were issued immediately after extradition was refused or became procedurally impossible. In other instances, the authorities sought to remove individuals by invoking migration-related grounds, such as the absence of valid identity documents.

One of the examples is the case of Mehrdad Jamshidian. This case is particularly instructive for understanding the Belarusian authorities' approach to the principle of non-refoulement, even in situations involving a well-established risk of irreparable harm.

Jamshidian, an Iranian national who had been living in Belarus since 1993, was sought by Iran on charges of double murder, despite the fact that he was not present in Iran at the time the alleged crime was committed. From 2012 onwards, he was repeatedly placed in detention, and decisions were taken to expel or deport him. Although the General Prosecutor's Office of Belarus ultimately refused Iran's extradition requests as the Iranian authorities had failed to comply with both general and specific extradition requirements, this refusal did not result in a durable protection status for Jamshidian. Instead, following his release from custody, the authorities continued to pursue his removal through alternative legal avenues.

To avoid refoulement, Jamshidian applied for international protection in Belarus and subsequently submitted an individual communication to the HRC. His applications for protection were rejected.

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280. Human Constanta, Statement on the Extradition of Tajik Activist Nizomiddin Nasriddin from Belarus <<https://humanconstant.org/en/statement-on-the-extradition-of-tajik-activist-nizomiddin-nasriddin-from-belaru/>> accessed 26 February 2026.

In its Views on the case, the HRC found that Mr Jamshidian faced a real and foreseeable risk of irreparable harm if returned to Iran and concluded that Belarus would violate Articles 6 and 7 of the ICCPR by effecting his removal. Despite these findings, Belarus failed to implement the HRC's Views and continued to take measures aimed at his expulsion.

Between 2013 and 2015, Mr Jamshidian was twice detained for prolonged periods for the purpose of expulsion. His release on both occasions was prompted not by a reassessment of the legality of his removal, but by exceptional humanitarian circumstances, namely a suicide attempt during the first detention and the serious oncological illness of his son during the second. These episodes also underscore the absence of effective safeguards against arbitrary and prolonged detention in the context of removal proceedings.

On 14 June 2018, Jamshidian was again placed in a temporary detention facility, this time on the basis of migration-related grounds, namely the alleged absence of a valid passport. He remained in detention for almost eleven months. This use of migration control measures to facilitate removal, despite the existence of an established non-refoulement risk, further illustrates the authorities' reliance on indirect means to achieve the same outcome as an unlawful extradition. Only on 17 June 2019 was Jamshidian informed that he would be allowed to remain in Belarus, not as a result of the recognition of his protection needs, but due to the practical impossibility of deporting him to another state.

Against this systemic failure to respect the principle of non-refoulement, cases in which the Belarusian authorities have refused extradition and granted international protection remain rare and exceptional.

One such case concerns Farhod Odinaev, a Tajik opposition activist and journalist. Odinaev, who holds both Tajik and Russian citizenship, was detained at a checkpoint along the Belarusian-Polish border at the request of the Tajik authorities in 2019. He was sought on allegations of membership in a banned organisation and support for extremism. Human rights organisations, including Human Constanta, warned that Odinaev faced a real risk of torture or other forms of ill-treatment if extradited to Tajikistan, where dozens of the Islamic Renaissance Party of Tajikistan (a long-standing political party that was designated as an extremist and terrorist organisation and banned in Tajikistan in 2015) members and supporters have been prosecuted and imprisoned amid a broader campaign of repression against political dissent. (281) On 5 November 2019, the Prosecutor-General's Office of Belarus rejected Tajikistan's extradition request. Odinaev was released from the Grodno pre-trial detention facility on 6 November 2019 and subsequently left Belarus for Lithuania. (282) Although the motivations behind the decision of the Belarusian authorities were not made public, the case represents a rare instance in which the formal legal safeguards against refoulement were applied, resulting in a positive outcome for the individual concerned.

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281. Human Rights Watch, Belarus: Tajik Activist Faces Unlawful Extradition <<https://www.hrw.org/news/2019/10/07/belarus-tajik-activist-faces-unlawful-extradition>> accessed 26 February 2026.

282. Human Constanta, А у нас есть супер новость: 6 ноября Фарход Одинаев был освобождён из СИЗО г. Гродно! <<https://www.facebook.com/HumanConstanta/photos/242583104434249>>3 accessed 26 February 2026.

## SECTION VII. DEPRIVATION OF LIBERTY OF ASYLUM-SEEKERS

This section examines the deprivation of liberty of asylum-seekers in Belarus during the RSDP. It reviews access to legal remedies against detention and outlines key concerns related to conditions in detention facilities.

### A. Legal framework governing deprivation of liberty

Belarus does not have a dedicated legal framework comprehensively regulating the deprivation of liberty of asylum-seekers. The Law on Refugees contains only a general provision stating that a “foreigner applying for protection may be detained in cases envisaged by the legislative acts of the Republic of Belarus.” (283)

The term “legislative acts” [Russian: “законодательные акты”] is defined by the Law “On Normative Legal Acts of the Republic of Belarus” and includes the Constitution, laws, and presidential decrees and orders. (284) As a result, the deprivation of liberty of asylum-seekers is regulated in a fragmented manner through legislative acts originating from different legal fields, including refugee law, criminal law, and legislation governing the detention of offenders and foreign nationals.

National legislation does not explicitly enumerate the grounds on which an asylum-seeker may be deprived of liberty. The only exception expressly provided for in the Law on Refugees concerns the detention of minor asylum-seekers for the purpose of identification. (285) In practice, and based on general legal provisions, asylum-seekers may be detained for violations of migration rules or for the purpose of establishing their identity. In addition, individuals may apply for international protection after having already been detained on other grounds, for example in the context of the enforcement of a decision on forced deportation or expulsion.

#### 1. Detention of asylum-seekers for the purpose of identification Legislation

Asylum-seekers who lack identity documents or who have submitted forged documents are subject to an identification procedure. (286)

The Law on Refugees explicitly provides that unaccompanied minor asylum-seekers may be detained in order to ensure their identification. In such cases, detention is authorised by an officer of a citizenship and migration division. (287) The Law on Refugees does not explicitly provide for alternatives to detention in this context.

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283. Law on Refugees (n 14) art 36 (2).

284. Закон Республики Беларусь «О нормативных правовых актах» от 17 июля 2018 г. № 130-3 (Law “On Legal Acts of the Republic of Belarus” of 17 July 2018) art 1(5).

285. Law on Refugees (n 14) art 40 (2).

286. Ibid art 40 (1).

287. Ibid art 40 (2).

Detention for identification purposes may last for the entire period necessary to complete the identification procedure, which should not exceed one month. (288) This period may be extended where additional examinations are required. (289) According to the former Head of the DCM, in practice the identification of foreign nationals may take more than one year. Even in such prolonged cases, individuals reportedly remain detained for the entire duration of the procedure. (290)

National legislation does not provide for periodic judicial or administrative review of the detention of asylum-seeking minors imposed for identification purposes. Under the Law on Refugees, a decision ordering detention may be appealed to a superior officer or to the officer who issued the detention order, and/or directly to a court. (291) However, the law does not specify the procedural framework applicable to such appeals. In practice, appeals appear to be examined under the general legal framework established by the Law “On Petitions of Citizens and Legal Entities” and the Civil Procedure Code.

If an appeal is lodged with a superior officer, it must be reviewed within 15 days, with the possibility of extending this period to up to one month. Following this, or alternatively from the outset, an appeal may be lodged with a court. Decisions of courts of first instance may be appealed to courts of second instance, (293) whose decisions are final. (294)

## 2. Detention of asylum-seekers in deportation and expulsion contexts

Belarusian law allows for the detention of foreigners in order to secure their deportation or expulsion. (295) A decision to detain is taken by the authority that ordered the removal, subject to the sanction of a prosecutor. (296) Detention may be imposed for the period necessary to carry out the removal, (297) but may not exceed one year. An expulsion or deportation order that has not been executed within one year from the date of its approval is no longer subject to execution. (298)

At the same time, the legislation does not regulate the legal status of a foreigner after the expiration of this one-year period. In particular, it remains unclear whether a new decision on forced removal and detention may be adopted, or whether the foreigner must be released and

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288. Ibid.

289. Ibid art 40 (3).

290. Столичное телевидение, Начальник Департамента по гражданству и миграции в программе «Простые вопросы» с Егором Хрустальевым (30 March 2016) <<https://ctv.by/news/obshestvo/nachalnik-departamenta-po-grazhdanstvu-i-migracii-v-programme-prostye-voprosy-s-egorom-hrustalevym>> accessed 25 February 2026.

291. Law on Refugees (n 14) art 69.

292. Закон Республики Беларусь «Об обращениях граждан и юридических лиц» от 18 июля 2011 г. № 300-З (Law “On Petitions of Citizens and Legal Entities” of 18 July 2011) art 17(3).

293. Civil procedure Code (n 153) art 399 (1).

294. Ibid art 431.

295. PECAO (n 84) art 8.4 (7); Law on Foreigners (n 17), art 67 (2).

296. PECAO (n 84) art 8.4.

297. PECAO (n 84) art 8.4.

298. Regulation on the procedure of Expulsion of Foreign Citizens and Stateless Persons from the Republic of Belarus, approved by Resolution No. 146 of the Council of Ministers of the Republic of Belarus dated 3 February 2006, para. 24-1, Regulation on the procedure for deportation of foreign citizens and stateless persons, approved by Resolution No. 333 of the Council of Ministers of the Republic of Belarus dated 15 March 2007, para 10.

provided with an opportunity to regularise their stay in Belarus.

While the law prescribes that as a general rule, minors under the age of 16 should not be detained for the purpose of expulsion, (299) it explicitly provides for the detention of minors to secure the execution of a deportation order. (300) Decisions to detain minors in this context are taken following the same procedure as for adults. As with expulsion, the maximum time limit for execution of a deportation decision is one year. (301)

Unlike expulsion, deportation is carried out within the framework of an administrative process and is subject to more detailed regulation. If circumstances prevent execution of a deportation decision within the established time limits, the court or the authority conducting the administrative proceedings may, either at the request of the foreigner or on its own initiative, postpone execution of the deportation for up to six months. (302) Importantly, even where such a request is submitted by the foreigner, the law allows to keep the foreigner in detention during the postponement period.

For asylum-seekers, both adults and minors, who applied for asylum, the prolonged periods of detention permitted under deportation and expulsion procedures mean that they may remain deprived of liberty throughout the entire RSDP, including the time necessary to lodge appeals against a negative decision of the DCM, until a final court decision enters into force and removal from Belarus is effected.

National legislation does not provide for periodic judicial or other independent review of detention in either deportation or expulsion contexts, nor does it establish alternatives to detention. Furthermore, the law does not contain safeguards against detention of vulnerable categories of foreigners in the deportation context, such as breastfeeding mothers, elderly persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, or survivors of trafficking, torture and/or other serious violent crimes. “As a rule”, detention to secure expulsion should not be imposed on foreigners under the age of 16, foreigners who have reached the age of 60, foreigners with clear signs of disability, and pregnant women. However, these safeguards are discretionary in nature and do not constitute an absolute prohibition. (303)

Where detention is imposed to secure deportation, an appeal may be lodged either with a prosecutor or with a court. (304) The decision of the prosecutor or judge is final and not subject to further appeal. (305)

In cases of detention to secure expulsion, an appeal must first be submitted to a superior officer of the authority that issued the detention order. (306) As a rule, the complaint should be reviewed

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299. Regulation on expulsion (n 298) para 14.

300. PECAO (n 84) art 8.4 (3-1).

301. PECAO (n 84) art 14.5 (2).

302. PECAO (n 84) art 16.7 (1).

303. Regulation on expulsion (n 298) para. 14.

304. PECAO (n 84) article 7.2 (3).

305. Ibid art 7.5 (3).

306. Law on Foreigners (n 16) art 71 (1).

within 15 days, although this period may be extended for up to one month. (307) Judicial review is available only after the complaint has been rejected by the superior officer. (308) A decision of the court of first instance may be appealed to the court of second instance, (309) whose decision is final. (310)

### 3. Detention of asylum-seekers in the extradition context

Neither national legislation governing extradition proceedings nor the multilateral treaties to which Belarus is a party contain provisions explicitly addressing the situation of asylum-seekers. At the same time, national law establishes that an extradition request may not be executed if a foreign national has been granted refugee status or another form of international protection in Belarus and therefore cannot be expelled. The law also prohibits extradition where there are grounds to believe that the person concerned may be persecuted in the requesting state on the basis of race, sex, religion, citizenship, nationality, membership of a particular social group, or political opinion. (311)

Despite these safeguards, in practice asylum-seekers whose extradition is requested by another state, or who are wanted internationally, are deprived of liberty under the legal framework applicable to extradition proceedings for the entire duration of their asylum procedures. Applications for international protection do not, as such, prevent or suspend detention in the extradition context.

This practice is illustrated by several cases. Asylum-seeker Shabnam Khudoydodova, whose extradition was requested by Tajikistan, was detained throughout the entire period during which her RSDP was pending. (312) Similarly, Hicri Mamas, a Turkish national, was detained in Belarus on the basis of an extradition request from Türkiye for the whole duration of both his RSDP and the examination of his appeals against the refusal of protection. Ultimately, Hicri Mamas was extradited directly to Türkiye, where he faced a risk of torture. (313)

In Belarus, extradition proceedings may be conducted either on the basis of the principle of reciprocity or pursuant to a multilateral treaty. Where extradition is based on reciprocity, deprivation of liberty is governed by the CPC. (314) Where extradition is based on a treaty that does not regulate deprivation of liberty, the relevant provisions of the CPC likewise apply. Only where an applicable treaty contains specific rules on deprivation of liberty do those provisions apply directly. (315)

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307. Law “On Petitions of Citizens and Legal Entities” (n 292) art 17 (3).

308. Law on Foreigners (n 16) art 71 (2).

309. Civil procedure Code (n 153) art 399 (1).

310. Ibid art 431.

311. CPC (n 81) art 484 (1).

312. Nadejda Atayeva (n 99).

313. Human Constanta, Беларусь не дала защиту турецкому курду и отправляет его на пытки <<https://humanconstantia.org/belarus-ne-dala-zashhitu-tureckomu-kurdu-i-otpravlyaet-ego-na-pytki/>> accessed 26 February 2026.

314. CPC (n 81) Section XV, arts 510–514, 517–519.

315. Ibid art 1(5).

Under the CPC, foreigners whose extradition has been authorised by Belarusian authorities, or who have been placed on an international wanted list by another state, are subject to deprivation of liberty. (316) Initially, a foreign national may be detained for up to 72 hours on the basis of a decision by the law-enforcement body that apprehended the person. (317) Following this initial period, the person must either be released or subjected to further deprivation of liberty on the basis of a prosecutor's decision. (318)

The CPC provides for the following detention regimes in the extradition context: (319)

1. where a proper extradition request has been received, the foreigner may be detained or placed under house arrest for up to two months; (320) this term may be prolonged by a reasoned decision for up to 12 months; (321)
2. where another state requests the apprehension of a foreigner pending submission of a formal extradition request, the person may be detained or placed under house arrest for up to 40 days; (322)
3. where a foreigner is listed on an international wanted list, the person may be detained pending receipt of an extradition request for up to 40 days. (323)

The CPC does not provide any criteria guiding the prosecutor's choice between detention and house arrest in cases where such discretion exists.

In the latter two scenarios, if the Belarusian authorities do not receive a proper extradition request within the 40-day period, the foreigner must be released. (324) In all cases, release is required once the maximum term of deprivation of liberty expires. (325)

National legislation applicable to extradition does not contain any provisions specifically addressing minors. Nor does it exclude minors from the scope of extradition-related deprivation of liberty. As a result, minors subjected to extradition proceedings are deprived of liberty under the same legal framework and conditions as adults.

Moreover, the CPC provisions governing extradition proceedings do not provide for periodic judicial or administrative review of detention or house arrest, nor do they envisage alternatives to detention in cases involving foreigners placed on international wanted lists. The legislation also lacks safeguards aimed at preventing or limiting the deprivation of liberty of particularly vulnerable persons, including asylum-seekers.

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316. Ibid art 512(1) and (2).

317. Ibid art 510(1).

318. Ibid art 511.

319. Ibid art 512(1), (2) and (6).

320. Ibid arts 512(1) and 513(2).

321. Ibid art 513(3).

322. Ibid arts 512(1) and 513(1).

323. Ibid arts 512(2) and 513(1).

324. Ibid art 514(1) and (2).

325. Ibid art 514(1) and (6).

A decision imposing deprivation of liberty in the extradition context may be appealed only before a court. (326) The court may order the release of the foreigner if it finds that the detention order contradicts the CPC (for example, because it is based on an unlawful extradition decision) or if the person's right to defence has been violated. (327)

Overall, the legal framework and its application demonstrate that in Belarus foreigners subjected to extradition proceedings (including asylum-seekers) are, in practice, systematically deprived of liberty as long as the formal requirements of the CPC or an applicable treaty are met. Even where a court identifies procedural irregularities and orders release, the law does not prevent the authorities from re-imposing deprivation of liberty, resulting in a cycle of detention that is not meaningfully constrained by substantive or procedural safeguards.

## **B. Access to legal remedies against detention**

The availability of legal aid for detained foreigners is addressed in Section II (C) (3). As noted there, Belarusian law effectively prevents most detained foreigners from accessing a lawyer. The sole exception concerns foreigners detained for the purposes of extradition, who fall under criminal law procedures and are entitled to one free legal consultation. For other categories of detained foreigners, including asylum-seekers, access to legal counsel is not guaranteed. Instead, detained persons may receive legal consultations from organisations that are parties to the Protocol of Intent, including RCS, UNHCR, and IOM.

In practice, asylum-seekers held in detention facilities are almost entirely deprived of the possibility to use the services of a professional lawyer to appeal against detention. A lawyer may gain access to a detained asylum-seeker only on the basis of a signed legal assistance contract and a warrant. Such a contract must be concluded by relatives or other persons outside the detention facility, placing a significant practical burden on the detained individual. This requirement alone renders access to legal representation largely illusory, particularly for asylum-seekers who have no social or family ties in Belarus.

These obstacles are compounded by language barriers. Appeals against detention must be submitted in one of the state languages (Belarusian or Russian). (328) Detained asylum-seekers who do not speak either language are therefore unable to draft or meaningfully submit an appeal without assistance. In the absence of guaranteed legal aid or interpretation services, the right to challenge detention becomes, in effect, void.

With regard to the role of NGOs and international organisations, all detained asylum-seekers are held in facilities operated by the Mol (temporary detention jails (TDJs), offenders isolation centre (OIC), reception-distribution centres for underage children, pre-trial detention centres (SIZOs)).

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326. Ibid arts 517 and 518(1).

327. Ibid art 518(2)(1).

328. Закон Республики Беларусь № 3094-ХІ от 26 января 2990 года “О языках в Республике Беларусь” (Law on Languages in Republic of Belarus) arts 5, 14, 15, 17.

Access by NGOs and international organisations to these facilities is governed by the Protocol of Intent. While the Protocol allows monitoring visits for the purpose of providing legal consultations, it also contains broad exceptions. Visits may be denied on grounds of national security or where the interests of a criminal investigation so require. As a result, not all detained asylum-seekers are able to meet representatives of organisations that could assist them, further undermining access to remedies.

Even where access is granted, the role of NGOs and international organisations remains limited. They may assist asylum-seekers in preparing appeals against detention but are not authorised to represent them before courts. Under Belarusian law, court representation may be carried out only by a lawyer or, in some cases, by close relatives of the detained person (and exclusively by a lawyer in extradition cases). (329) In practice the RCS or UNHCR, or a lawyer hired by UNHCR, may assist in drafting an appeal and ensure legal representation before a court. However, the authors have no information confirming that UNHCR systematically provides all detained asylum-seekers it assists with access to a lawyer for the purpose of challenging detention.

### **C. Conditions of detention**

Belarus does not have specialised facilities for the detention of asylum-seekers. Instead, asylum-seekers deprived of liberty are held in TDJs, OICs, reception-distribution centres for underage children, or SIZOs. These facilities are designed primarily for criminal suspects, offenders, or administrative detainees. The absence of a dedicated asylum detention infrastructure generates systemic problems, both in terms of material conditions of detention and the treatment and perception of asylum-seekers by state authorities and society at large.

A key structural concern is the failure to ensure separation of asylum-seekers from criminal detainees. Although Belarusian legislation contains general provisions on the segregation of certain categories of detainees, it does not explicitly require the separation of detained asylum-seekers from persons suspected or convicted of criminal or administrative offences. (330) National law merely provides that foreigners detained for offences punishable by deportation may be held separately, leaving this issue to administrative discretion rather than establishing a mandatory safeguard. (331) Under national law, it is only mandatory to separate asylum-seekers who were detained for illegally crossing the state border or illegally staying in Belarus from other detained foreigners. (332) Mandatory separation applies only to asylum-seekers detained for illegal border crossing or irregular stay, and only with regard to other detained foreigners. As a result, asylum-seekers are frequently held together with the general detention facilities population. This practice is inconsistent with international standards, which emphasise the non-penal nature of asylum-seeking and discourage the use of prison-like settings for immigration detention. UNHCR has repeatedly underlined that the detention of asylum-seekers in prisons or jails should be avoided

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329. PECAO (n 84) art 4.5 (2); Civil Procedure Code (n 153) art 72 (2 (1) and (6)); CPC (n 81) art 44 (2).

330. Закон Республики Беларусь N 215-З от 16 июня 2003 “О Порядке и Условиях Содержания Лиц Под Стражей” (Law on Procedure and Conditions for Detention of Persons in Custody) art 31.

331. Ibid art 6(5).

332. Resolution No. 461 (n 183) para 9.

altogether and, where detention cannot be avoided, asylum-seekers must be separated from criminal detainees. (333)

Material conditions in TDJs and OICs further exacerbate these shortcomings. Available evidence indicates that detention conditions in these facilities are generally poor and, in many cases, inhumane or degrading. Cells are often overcrowded and unsanitary, ventilation is inadequate, and indoor temperatures may fall to unacceptably low levels during colder months. Detainees typically have access to showers only once a week, outdoor exercise is limited or irregular, and food provision is insufficient. (334) These conditions fall well below international standards applicable to the detention of asylum-seekers, particularly given that such facilities are not designed for prolonged stays. (335)(336) Nevertheless, asylum-seekers may remain detained there for extended periods, compounding the physical and psychological impact of inadequate conditions. The lack of effective remedies further aggravates the situation: domestic courts routinely refuse to examine complaints related to detention conditions, while administrative complaint mechanisms rarely provide meaningful redress. (337)

Another systemic problem is the absence of independent monitoring of places of detention. Belarus is not a party to the Optional Protocol to the Convention against Torture and therefore lacks a system of regular visits by independent international and national monitoring bodies to places where persons are deprived of liberty. (338) While national public monitoring commissions formally exercise public oversight over detention facilities, (339) their mandate does not extend to TDJs, OICs, SIZOs, or reception and distribution centres for underage children. (340) Moreover, Belarusian human rights organisations have raised serious concerns regarding the independence, professional competence, and practical effectiveness of these commissions. (341) In practice, independent observers are sometimes denied access even to accommodation centres hosting asylum-seekers, further limiting transparency and accountability. (342)

The inadequacy of detention conditions is compounded by the lack of migrant-specific training among detention facility staff. Personnel working in TDJs and OICs are generally not equipped to address the particular needs of asylum-seekers. (343) Detained foreigners frequently report

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333. UNHCR, Guidelines on the applicable criteria and standards relating to the detention of asylum seekers and alternatives to detention, para 48 (iii).

334. OHCHR, Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath (3 February 2023) <<https://docs.un.org/en/A/HRC/52/68>> accessed 24 February 2026.

335. UNHCR (n 333) para 48; UNWG (2018) (n 82) paras 37-39.

336. OHCHR (n 334).

337. Pavel Barkovsky v. Belarus Communication No. 2247/2013 (HRC, 13 July 2018) [6.5].

338. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, article 1.

339. Coalition of NGOs, NGO's Report on compliance by the Republic of Belarus with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2018), para 100.

340. Ibid.

341. Ibid paras 100-110.

342. Віцебская вясна, "Віцебскіх праваабаронцаў не пусьцілі ва ўстановы, якія працуюць з уцекачамі" (24 February 2016) <<https://vitebskspring.org/news/mihranty/item/70-vitsebskikh-pravaabarontsa-ne-pustsili-va-standovy-yakiya-pratsuyuts-z-utsekachami>> accessed on 3 February 2026.

343. European Commission, "Annex II of Commission Implementing Decision on the Annual Action Programme 2016 in favour of the Republic of Belarus. Action Document for Helping Belarus Address the Phenomenon of Increasing Numbers of Irregular Migrants" (20 July 2016) 28.

language barriers and a lack of accessible information. Asylum-seekers often receive little or no information about their rights, the internal rules of detention facilities, or the procedures affecting their legal status. (344) Access to lawyers and interpreters is limited, communication with family members may be restricted, and detainees are sometimes not informed of the expected duration of their detention. (345) This informational vacuum creates an atmosphere of uncertainty and anxiety, which has a particularly detrimental effect on the mental and physical well-being of asylum-seekers. (346)

Overall, the detention of asylum-seekers in Belarus takes place in conditions that are inappropriate and incompatible with international standards. This assessment has also been shared by IOM, which acknowledged these shortcomings when launching a project on immigration detention in cooperation with Belarusian authorities. The project aimed to support the modernisation of immigration detention facilities under the authority of the Mol and the SBC, recognising that existing facilities did not meet acceptable standards for the reception of migrants. (347) However, following the 2020 presidential elections, this project with the EU was suspended, and no tangible improvements in immigration detention conditions have since been achieved. (348)

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344. Human Constanta (n 3) 8; Coalition of NGOs (n 339) para 68.

345. Coalition of NGOs (n 339) para 68.

346. Инициатива-кампания “Нелегальных людей не бывает”, Аналитический доклад: Аспекты содержания задержанных мигрантов в Беларуси (2014) <[https://spring96.org/files/misc/aspekty\\_soderzhanija\\_zaderzhannyh\\_migrantov\\_v\\_belarusi.pdf](https://spring96.org/files/misc/aspekty_soderzhanija_zaderzhannyh_migrantov_v_belarusi.pdf)> accessed 24 February 2026.

347. IOM (n 2).

348. Special Rapporteur on the human rights of migrants, Report of the Special Rapporteur on the human rights of migrants on his visit to Belarus (18 May 2023) <<https://docs.un.org/en/A/HRC/53/26/Add.2>> accessed 24 February 2026.