**IMPRISONED AS CHILDREN FOR MINOR OFFENCES**

**BELARUS: YOUNG PRISONERS HEALTH AT RISK**

Vladislav Shakovsky and Emil Ostrovko were both arrested in 2018 at the age of 17. Their cases are separate, but their experiences have a lot in common with each other and many other children and young people in Belarus. Both worked as couriers for anonymous online companies before they were arrested. Both were subjected to ill-treatment by police and had their right to a fair trial violated.

**Belarus’s approach to drugs is based on highly punitive laws and practice. Although there are no official statistics available, it has been estimated that hundreds, or possibly even thousands, of children and young people are serving lengthy sentences for minor, non-violent drug-related offences.**

**Children and young people often fall victim to deception practices of anonymous individuals who advertise ‘courier jobs’, which involve them trafficking illicit drugs, sometimes without their knowledge or full understanding of the nature of what they are doing. They are generally unaware of who stands behind the online companies that employ them, but they are still prosecuted as part of a ‘group’ (carrying a minimum sentence of 6 years) or ‘organised group’ (carrying a minimum sentence of 10 years) under Article 328 of the Criminal Code.**

**Children accused of drug-related offences face many human rights violations from the moment they are arrested, during investigation and trial, and once they are sentenced. Many are imprisoned in conditions that do not meet minimum standards of detention and violate international human rights law.**

**The Convention on the Rights of the Child establishes that arrest or detention of children must be a measure of last resort and for the shortest appropriate period of time. The Committee on the Rights of the Child has recommended states consider alternatives to criminalization when dealing with children accused of having committed minor, non-violent drug-related offences.**

**Amnesty International calls for the release of all young people prosecuted under Article 328 who were children at the time of the offence.**

They were convicted of drug trafficking as part of a group. Emil was sentenced to six years imprisonment (reduced from eight years). Vladislav was sentenced to 10 years imprisonment. His prison term is longer because he was sentenced as a member of an ‘organised group’, which is a more serious crime. Conspicuously, however, in neither case were any other members of the ‘group’ ever identified by the investigation or prosecuted.

Vladislav Shakovsky and Emil Ostrovko both have serious health issues. Emil is suffering from chronic asthma. Vladislav was a healthy teenager before his arrest but during his imprisonment his health his health has deteriorated. He has developed a persistent and recurring cough, flashes and floaters in his vision, and more recently deep vein thrombosis. According to his mother on 9 March 2020 he complained of stomach ache in the morning and later that day fainted. He was given an injection but the stomach ache persisted, and the prison medical staff did not give him any information about his ailment.

With the rapid spread of Covid-19 virus, their health and the health of numerous other prisoners is at risk. States have a duty to review the need for continued custodial detention and in the circumstances should consider if prisoners qualify for early or conditional release or alternative non-custodial measures.

**TAKE ACTION:**

**Call on the President to release Vladislav and Emil; review all prisoners at heightened risk of covid-19; and review the country’s anti-drug policy, taking measures to release all children and young people who were children at the time of the offence.**

**TEMPLATE LETTER**

President of Belarus, Aleksandr Lukashenko

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Dear President,

Vladislav Sharkovsky and Emil Ostrovko are two of the many young people in Belarus who were arrested as children and have been imprisoned for minor, non-violent drug-related offences, and whose cases have been a growing matter of concern in the country and internationally. You will have received multiple calls for their and others’ release, and for review of Belarus’ highly punitive anti-drug policies.

Vladislav Sharkovsky and Emil Ostrovko have serious health issues. Emil Ostrovko is suffering from chronic asthma. Vladislav Sharkovsky was a healthy teenager before his arrest but during his imprisonment his health has deteriorated – he has developed a persistent and recurring cough, flashes and floaters in his vision, and more recently deep vein thrombosis.

With the rapid spread of COVID-19 virus, their health and potentially their lives, and those of numerous other prisoners could be at risk. States have a duty to review the need for continued custodial detention and should consider if the current pandemic qualifies prisoners for early or conditional release or other alternative non-custodial measures, taking into account individual circumstances and the risks posed to groups at risk, such as those with serious medical conditions and those with a weakened immune system. Not carrying out a process in which prisoners can apply for early or conditional release due to medical circumstances may amount to a violation of the right of an effective remedy.

In light of the above, I urge you to:

* Consider without delay and approve an early or conditional release for Vladislav Sharkovsky and Emil Ostrovko, as they are at heightened risk of becoming severely ill due to COVID-19;
* Implement a process to promptly review the need for continued custodial detention of all prisoners in Belarus who are at heightened risk due to COVID-19, including people with pre-existing medical conditions;
* Review the country’s anti-drug policy and end the practice of imprisoning children for minor, non-violent drug-related offences under Article 328, and take measures to release all children and young people who were children at the time of the offence.

Yours sincerely,



**Please take action before 17th July 2020**

**You can also take action online at:** [**https://www.amnesty.org.uk/urgent-actions/young-prisoners-health-growing-risk**](https://www.amnesty.org.uk/urgent-actions/young-prisoners-health-growing-risk)