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Committee on Economic, Social and Cultural Rights

Fifty-first session

Summary record of the 44th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 November 2013, at 3 p.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth, fifth and sixth periodic reports of Belarus (continued)

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined fourth, fifth and sixth periodic reports of Belarus (continued)
(E/C.12/BLR/4-6; E/C.12/WG/BLR/Q/4-6; E/C.12/BLR/Q/4-6/Add.1;
HRI/CORE/BLR/2011)

1. *At the invitation of the Chairperson, the delegation of Belarus took places at the Committee table.*

2. **Mr. Marchán Romero** asked whether the Minorities Act classified groups according to religious, ethnic or linguistic criteria. Were all the 140 ethnic groups in the country treated equally and was everything possible done to encourage their creative activity and further development? Could ethnic groups use their mother tongue in dealings with the administrative authorities and in court? He wished to know whether it was true that persons who were striving to promote the Belarusian language had been subjected to intimidation, that some theatrical and musical groups were not allowed to use public theatres and could perform their works only in bars and private homes and that restrictions had been placed on members of a dissident writers' union.

3. **Mr. Abashidze** wondered if the Belarusian Government was concerned by the fact that the Polish authorities had issued Belarusian citizens of Polish origin with certification that they were ethnic Poles.

4. As ethnic groups could be educated in their mother tongue, he was eager to find out whether schools were allowed to use foreign books, or whether Belarus published its own textbooks in those languages.

5. **Mr. Ambrazevich** (Belarus) requested clarification of two questions regarding discrimination and a landfill near Minsk.

6. **Ms. Bras Gomes** (Country Rapporteur) explained that by "indirect discrimination" she meant situations such as a difference in pensionable age, which resulted in women drawing smaller pensions because their retirement age was lower. "Systemic discrimination" meant attitudes so deeply rooted in society — for example views regarding sexual orientation — that people were unaware that they constituted discrimination. In that connection, she drew the delegation's attention to the Committee's general comment No. 20.

7. **Mr. Pillay** explained that he wished to know if action had been taken to clean up a highly toxic landfill which constituted a health hazard.

8. **Ms. Dubrovnik** (Belarus), replying to issues raised in relation to articles 1 to 5 of the Covenant, said that the courts' independence was enshrined in the Constitution. The Code of the Judicial System and the Status of Judges established the legal status, rights and obligations of judges and specified what qualifications they must possess. Candidate judges must be of the highest moral integrity and have practised as a lawyer for at least three years. They also had to pass an examination set by a Judicial Commission comprising high court judges and representatives of the Ministry of Justice. No one could interfere in courts' decisions; anyone who did so would incur liability under the Criminal Code. Appeals could be filed against courts' decisions either under the cassation procedure, in which case the appeal must normally be lodged within 7 days in criminal cases and 10 days in civil cases, or under a supervisory procedure whereby a case could be reopened even after 20 years. The Procurator could enter an appeal against a court decision, but could not influence it.

Only a higher court could overturn the judgement of a lower court. The decisions of the Supreme Court were final and non-appealable. Once individuals had exhausted domestic remedies, they could submit a communication to the Human Rights Committee or the Committee on the Elimination of Discrimination against Women.

9. **Mr. Ambrazevich** (Belarus) added that, if a State body failed to investigate a citizen's complaint, it would incur administrative liability and be subject to disciplinary measures. Funding such investigations was a big problem. Women worked as judges at all levels of the judiciary.

10. **Ms. Yushkevich** (Belarus) explained that the effects of most legislation were gender-neutral. Much had been done over the previous 20 years to achieve progress in that respect. The National Gender Policy Council ensured compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Gender equality in the political, economic, social and cultural spheres was a constitutional principle. In December 2012 it had been decided that legislation to combat domestic violence should be drafted in the near future. Working groups had been set up with the participation of civil society organizations in all regions to implement gender policy. Wide-ranging activities were being conducted to heighten the population's awareness of the importance of gender equality. No quotas had been set for women's participation in politics. In the previous general elections 49 women had been elected to parliament. The number of women in senior positions in national institutions and the government had risen substantially in the previous five years.

11. Turning to the issue of indirect discrimination due to differences in pensionable age, she explained that women could continue to work after the age of 55 and thereby postpone the time at which they started to draw a pension. They would receive a higher pension if they did so. Society was not yet prepared to accept the idea that the pensionable age of men and women should be made the same.

12. **Ms. Velichko** (Belarus) said that stateless persons and aliens had the same economic, social and cultural rights as Belarusian citizens in accordance with article 11 of the Constitution, the Act on the Legal Status of Foreign Nationals and Stateless Persons and the Act on the Granting of Refugee Status and Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons. The number of applicants for refugee status or permanent residence permits had risen considerably in recent years. Refugee status and the right to reside in the country were regulated in accordance with the international obligations of Belarus. Four different categories of temporary residence permits could be issued by the authorities. Observers from non-governmental organizations (NGOs) monitored the system for granting refugee status. Under the new Migrant Workers Act, the procedure for granting aliens authorization to live in Belarus had been speeded up. A law was being drafted on granting permanent residence to stateless persons who had lived in the country for a long time. Foreigners who were members of the professions did not require special authorization in order to practise. Specialists and persons with particularly useful skills benefited from special conditions governing their entry to and residence in the country.

13. **Ms. Yushkevich** (Belarus) said that economic development forecasts were prepared every year. Real income, i.e. pensions or salaries, was an important indicator for measuring the population's standard of living and its level of social protection. More than 40 per cent of the State's budget was spent on the social sector. A total of 9 per cent of gross domestic product (GDP) was devoted to the health and education sectors alone.

14. **Ms. Dubrovnik** (Belarus) said that fundamental economic, social and cultural rights were protected as a matter of priority in the Labour Code, the Marriage and Family Code, the Education Code and, above all, the Civil Code. A Culture Code, which would fully regulate all matters connected with cultural rights in a single document, had been drafted.

The Local Self-government Act enabled citizens to initiate economic, social and cultural legislation at local and regional level. The Act on the procedure for the submission of citizens' bills regulated citizens' right to participate in the legislative process and initiate parliamentary legislation.

15. **Mr. Ambrazevich** (Belarus) said his country's authorities would endeavour to provide statistics on social spending and information on indirect and systemic discrimination in the next periodic report. Since his Government's position on invitations to thematic rapporteurs of the Human Rights Council, whose mandates were often politicized, was well known, he did not wish to discuss that issue at the current meeting.

16. **Ms. Shin** requested the inclusion in the next periodic report of information showing the percentage of women in senior positions. It was essential to establish a national human rights institution with a broad mandate to which Belarusians could complain of violations of rights protected by the Covenant and which could also monitor compliance with the latter and raise awareness of international human rights standards.

17. **Mr. Abdel-Moneim** asked for a detailed breakdown of social expenditure in the next periodic report.

18. **Mr. Ambrazevich** (Belarus) said that the issue of an independent oversight institution was a complex one, and his Government was reviewing best practices before making a decision. The issue of discrimination was similarly complex, and his Government was still considering what approach to take.

19. **Ms. Bohdan** (Belarus) said that details on provisions regarding health and safety in the workplace could be found in the national demographic security programme for 2011–2015, in labour protection legislation as amended in 2013, and in the Act on the Sanitary and Epidemic Well-being of the Population, as amended in 2011.

20. **Ms. Yushkevich** (Belarus), replying to a question about the use of employment contracts in the public and private sectors, said that contracts in both sectors ranged in duration from one to five years and that special contract protection measures applied for pregnant women, workers with children under the age of 5, workers who had reached retirement age and workers under the age of 18. Special terms for other categories of workers could be established through collective bargaining.

21. Presidential Decree No. 9 on contractual hiring was a temporary provision that covered several industries totalling approximately 10,500 workers and would expire in 2014.

22. Explaining how unemployment figures were calculated, she said that the number of people registered as unemployed had been falling for some years. A programme to promote employment included many measures that had helped to reduce unemployment among women. Article 42 of the Constitution guaranteed equal pay for similar work, and her Government was trying to determine why a gap between women's and men's pay existed in practice. It might result partly from the high proportion of men working in physically demanding or dangerous, and therefore better-remunerated, jobs in industries such as construction and transport. Female employees were concentrated in fields such as health care, education and social protection, where salaries tended to be lower.

23. **Mr. Ambrazevich** (Belarus) said that in any case a 4 per cent discrepancy in pay for men and women was not particularly significant. He added that measures to facilitate women's participation in the labour market included, for example, offering parental leave to men and taking steps to change prevailing attitudes.

24. **Ms. Dubrovnik** (Belarus), replying to a question about the prohibition of sexual harassment in the workplace, said that there was no separate law on the issue, which was

already covered by other legal provisions, including in particular article 171 of the Criminal Code.

25. **Ms. Yushkevich** (Belarus), explaining how the minimum wage was set, said that the rate applied to all employees. It was at least 100 per cent of the minimum consumer budget figure, which incorporated a number of essential items and services in addition to food.

26. **Ms. Bohdan** (Belarus) said that a person who had committed three offences resulting from addiction to alcohol or drugs was required to undergo medical treatment in a specialized centre. Upon successful rehabilitation the person was offered the opportunity to engage in certain types of less complex and consequently less well paid work. However, no one in such a situation was forced to accept employment.

27. **Mr. Ambrazevich** (Belarus) said that his delegation could not for the moment provide statistics on strikes, as such information was collected at the regional level. It would supply the requested information to the Committee later.

28. **Ms. Yushkevich** (Belarus) said that relations between the social partners in Belarus were stable. There were no restrictions on collective bargaining by trade unions, and more than 500 collective agreements were in place. Outlining the process governing labour disputes, she said that the Government, in conjunction with the social partners and the International Labour Organization (ILO), had taken steps to protect and strengthen the rights of trade unions.

29. **Mr. Ambrazevich** (Belarus), replying to a question about trade unions' freedom of activity, said that ILO had indeed cited a lack of improvement in that regard. That was why his Government was cooperating with ILO to improve matters. A mechanism existed to enable individuals with complaints about the status quo to lodge appeals. The system for registration of trade unions had not changed.

30. Regarding the shadow economy, he said that his Government was anxious to eliminate it, as it was to workers' advantage to be legally employed. Measures in place included stricter legislation governing the registration of businesses, including those representing sole traders. As a result, the number of legal persons registered as active in Belarus had increased.

31. In monitoring the implementation of labour standards dealing with health, safety and other aspects, no distinction was made between public and private companies, or between domestic and foreign ones.

32. **Ms. Sidarenka** (Belarus) said that children and youths could lodge an appeal with a commission for juvenile affairs in writing or in person – for example, by talking to a teacher or social worker or visiting the commission's office. Children were well informed of their rights and received information about them throughout their schooling.

33. **Ms. Yushkevich** (Belarus), replying to a question about poverty, said that 2011 had indeed been a difficult year for her country economically, but that the Government had taken various measures to protect vulnerable groups, such as increasing support to families with children. The poverty level had declined from 7.3 per cent to 6.3 per cent in 2012 and had continued its downward trend during the first half of 2013.

34. **Ms. Bohdan** (Belarus) said that a long-term HIV/AIDS prevention programme had been established in conjunction with the Global Fund. The Criminal Code established the criminal liability of doctors who refused to treat patients; in recent years, no cases had been brought. Belarus used the Spectrum programme to monitor morbidity in HIV/AIDS, which had revealed an increase in life expectancy. Almost all patients received antiretroviral treatment, 70 per cent of which was financed by the Global Fund. Nevertheless, the State would assume responsibility for providing HIV/AIDS treatment in future and had begun

developing its own pharmaceuticals to reduce costs. The profile of HIV/AIDS patients had changed considerably and now included older people with higher levels of education and stable incomes. Medical professionals were being trained on the proper treatment of HIV/AIDS patients, and the disclosure of medical secrets was a criminal offence. While the forced diagnosis of HIV could be seen as a rights violation, it was important for patients to receive antiretroviral treatment in order to reduce vertical transmission.

35. Cardiovascular illness was common and, as life expectancy increased, would become more widespread. Therefore, the national demographic security programme provided for relevant preventive measures in primary health care and advanced treatment. A research centre had been set up and all hospitals provided cardiovascular surgery. Numerous action plans and strategies, both national and international, had been implemented to prevent non-communicable diseases and combat tobacco use and alcohol abuse, in order to reduce mortality from cardiovascular disease. Discussions were under way on the content of a bill combating the harmful effects of tobacco, and smoking in public places and advertising for tobacco products were prohibited.

36. In order to counter tuberculosis, a study had been undertaken and its results published, resulting in additional financing from the Global Fund. Furthermore, many measures had been adopted to reduce the spread of the disease, including the establishment of specialized medical units and a public register of patients. Morbidity and mortality had fallen by 43 per cent since 2005 and the measures, due to conclude in 2015, would be extended.

37. **Ms. Velichko** (Belarus) said that the United Nations Children's Fund had carried out a study on the situation of women and children in Belarus, and while the figures regarding the corporal punishment of children were not reassuring, they demonstrated a reduction in such punishment as a result of Government actions. The abuse of parental rights could constitute a criminal offence.

38. Domestic violence was a serious problem and 77 per cent of victims were women. A national model addressing male aggressors was being developed and a bill on domestic violence was being drafted, although the subject was already partly covered in other legislation. There was also a hotline for victims that received around nine calls per day, and the country's 63 crisis centres had provided assistance to 85 people in the current year. The Government was increasing its work with NGOs through a network, which lobbied for legislative initiatives, and an inter-agency coordination system.

39. The Government undertook many initiatives to combat human trafficking. As a transit country, Belarus had adopted legislation and acceded to the Council of Europe Convention on Action against Trafficking in Human Beings. Assistance was provided to victims and NGOs could receive State funding for relevant projects. Statistics revealed a downward trend in human trafficking offences, from 261 in 2011 to 209 in 2012, with both Belarusian and foreign traffickers being prosecuted. Given that legislation took time to have an effect, cooperation with NGOs was being increased, for example through a memorandum signed by the Ministry of Internal Affairs relating to assistance in identifying problems and working with victims.

40. **Ms. Sidarenka** (Belarus), referring to the Presidential Decree providing for State protection of children from disadvantaged families, said that the Decree aimed to establish normal living conditions for such children. When there were indications that a child was in danger, the Ministry of Education decided on a course of action within five days, which could involve placing the child in a shelter or foster family. That decision was enforced for six months, during which time the parents must demonstrate their rehabilitation. If they failed to do so, the child was placed in a boarding facility. Parental rights could only be removed by the courts. Parents must repay the costs of caring for their child, which often

resulted in their finding employment, thus facilitating the return of the child. Since 2006, around 200 children had been returned to their families, 49 per cent fewer parents had lost their parental rights and there had been 44 per cent fewer children in care. Inexperienced teachers occasionally made mistakes in their assessment of a child's situation, and the Ministry of Education was therefore developing guidelines on identifying children in danger.

41. **Mr. Ambrazevich** (Belarus) said that the Criminal Code provided for the prosecution of violent acts, irrespective of where they took place, and a specific definition of domestic violence was thus unnecessary. There were numerous categories of vulnerable people entitled to State housing, and a percentage of all new homes must be made available to them. Regarding same-sex marriage, Belarusian society was largely based on Orthodox and Catholic values and the promotion of the rights of homosexuals was not viewed as appropriate. While foreigners who were legally resident in Belarus enjoyed the same rights as citizens, temporary residents, including refugees, received only basic medical care, owing to the economic situation of the country. However, medical care for refugee children complied with international norms.

42. **Ms. Sidarenka** (Belarus) said that dropping out from school was very rare and normally temporary, for example if a child was in danger. Local authorities used a database to ensure that every child attended school. Although the Belarusian language was used to teach a range of subjects at various levels of the education system, the Government was aware of its low levels of usage and had implemented a plan to encourage citizens to speak it, including at home. Roma children who spoke Russian or Belarusian could attend ordinary schools; difficulties arose when they were obliged to attend against the wishes of their families.

43. **Mr. Ambrazevich** (Belarus) said that there was no prohibition against the use of minority languages; in official settings such as the courts, interpretation was provided. Members of ethnic and religious minorities were able to enjoy their rights and their needs were taken into account as far as possible. The theatre industry was controlled by market forces and attendances were the measure of popularity. Many writers worked in the Russian Federation because earnings were higher, and membership of the writers' union was a personal decision that did not afford privileges. The certification of Polish citizens in the country was a matter for the Polish authorities, but was not supported by Belarus because it led to extra privileges for some citizens.

44. **Ms. Sidarenka** (Belarus) said that Polish and Lithuanian schools in Belarus followed the national curricula but were free to use their own textbooks.

45. **Mr. Ambrazevich** (Belarus) said that the constructive dialogue would help Belarus to make improvements in the areas discussed. The Committee's recommendations would be useful and he hoped that cooperation between the Committee and Belarus would continue.

46. **Ms. Bras Gomes** asked the delegation to provide additional written information and said she looked forward to seeing progress made by the State party by the time of its next periodic report.

The meeting rose at 6 p.m.