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Committee on Economic, Social and Cultural Rights

Fifty-first session

Summary record of the 43rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 November 2013, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10.10 a.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 (E/C.12/BLR/4-6; E/C.12/WG/BLR/Q/4-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Belarus took places at the Committee table.*
2. **Mr. Ambrazevich** (Belarus), presenting the combined fourth, fifth and sixth periodic reports of the State party, said that the document had been prepared in cooperation with international organizations and civil society. His Government allocated more than 16 per cent of its budget to the implementation of social policies, of which 4 per cent on health, 5 per cent on education and 6 per cent on social protection. Belarus attached great importance to the principles of equality and non-discrimination in the protection of economic, social and cultural rights. The Government had embarked on the fourth national plan of action for gender equality (2011–2015) and in 2014 would launch a technical assistance project for the collection of statistics disaggregated by sex, pursuant to a recommendation by the Committee on the Elimination of Discrimination against Women, with a view to developing more targeted programmes. With regard to the participation of women in public and political life, 30 per cent of members of parliament were now women; in addition, 67 per cent of civil servants, 20 per cent of managers and 53 per cent of judges were women. According to the Organisation for Economic Co-operation and Development's Social Institutions and Gender Index, in 2012 Belarus had been ranked fifteenth out of 86 countries in the area of gender equality.
3. The Government attached great importance to the right to work and every year adopted measures to promote employment, particularly among young people, women, people living in rural areas and other vulnerable groups, who could avail themselves of free education and training programmes. As a result of those measures, the unemployment rate in Belarus was stable at approximately 1 per cent. Furthermore, the Government was currently considering the implementation of an unemployment insurance system and intended to link the minimum wage to the inflation rate.
4. Women made up 52.6 per cent of the labour force. More than half of working women had intermediate or higher-level qualifications. The principle of equal pay for work of equal value for men and women was respected. The reason the average wage for women was only 74 per cent of the average wage for men was that there were more men in the production sector, where wages were higher. A targeted programme to improve working conditions and labour protection was currently being considered, and would help reduce the number of workplace accidents and introduce a system for the assessment of occupational risks. In Belarus, 90 per cent of workers were affiliated to one of the country's 37 trade unions. All workers were entitled to strike in order to demand better working conditions, with the exception of civil servants, including civil aviation and army personnel.
5. The Government had set up a targeted social assistance system that provided benefits to low-income families, large families and persons with disabilities, among others. Regardless of their level of income, all families with a child under the age of 2 received a financial benefit. According to estimates, approximately 73,000 persons had received social assistance in the first quarter of 2013.
6. In addition to social benefits, the State provided other forms of assistance to families. Measures were taken to combat domestic violence, for example. Two projects had

been launched to provide assistance services to victims, raise public awareness of domestic violence and train law enforcement officials. In 2013, telephone helplines had been set up for victims of domestic violence. In 2012, a special law had been adopted on the protection of all victims of trafficking, regardless of their nationality. There were 63 shelters for victims of domestic violence and trafficking.

7. Belarus had already achieved the Millennium Development Goals in respect of extreme poverty, child mortality, maternal health and universal primary education. With respect to cultural rights, Belarus had implemented a programme to support cultural activities organized by associations of national minorities. The population as a whole benefited from scientific and technological advances. The number of Internet users had increased by 52 per cent in the past three years to reach 5 million.

8. **Ms. Bras Gomes** (Country Rapporteur) noted with concern that the State party had not accepted the recommendations made during the 2010 universal periodic review (UPR) with respect to ratifying a number of optional protocols to international human rights instruments, and asked whether it now considered itself able to ratify those protocols. She asked whether the lessons learned by the public authorities from the United Nations Development Programme project entitled “Development of a regional social policy model for poverty reduction in Belarus (2009–2011)” concerning regional disparities had had an impact on the development of policies relating to economic, social and cultural rights. She asked whether the public bodies with which citizens could file complaints to defend their rights in accordance with the Act on Appeals by Citizens and Legal Persons were the “specialized public institutions ... to protect and promote various categories of human rights” (HRI/CORE/BLR/2011, para. 67); those institutions were not independent in that they were administered by the State. She also wished to know whether the State party intended to enact a general law on the prohibition of discrimination.

9. **Mr. Atangana**, referring to paragraph 1 of the State party’s replies to the list of issues, according to which the Covenant had not been cited by the courts since 2010, asked whether the Covenant had ever been invoked before then. The fact that any person who considered that their rights had been infringed through a court decision had the right to request a review by procuratorial supervision raised a question as to the independence of the judiciary and the authority of *res judicata*, and requested additional information on that point.

10. **Ms. Shin** asked about the reasons for the significant delay in the submission of the State party’s report. Recalling that the principle of non-discrimination should be applied to all persons, she asked whether legislation contained provisions on reasonable accommodation in public places for persons with disabilities. As to the representation of women in the country’s administration, she enquired about the main obstacles to the appointment of women to senior posts.

11. **Mr. Sadi** said that delays in the submission of periodic reports sometimes reflected the scant importance attached to the Covenant by the State party. He recalled the indivisibility of human rights and the necessity of an independent judiciary to guarantee the full exercise of all human rights. He noted with concern that the United Nations High Commissioner for Human Rights had concluded, in her report on the situation of human rights in Belarus (A/HRC/20/8), that the deficiencies pertaining to human rights were of a systemic nature. He asked whether the Covenant was taken into account when developing macroeconomic policies and why the evaluation process relating to the establishment of a national human rights institution in compliance with the Paris Principles was taking so long.

12. **Mr. Ribeiro Leão** enquired about legislation and policies adopted to combat the forms of discrimination mentioned in paragraphs 36 and 37 of the State party report, particularly against asylum seekers and refugees.

13. **The Chairperson**, speaking as a member of the Committee, asked the delegation to explain how the independence of the judiciary from the executive branch was guaranteed. He wished to know how the legislative and executive branches regulated the exercise of economic, social and cultural rights and whether those rules were the outcome of a participatory consultation process with civil society. He asked whether the State party had extended a standing invitation to the special procedure mandate holders.

14. **Mr. Abdel-Moneim**, noting that the gross domestic product (GDP) appeared to have grown consistently over the reporting period, asked the delegation for details of public spending on economic, social and cultural rights, in absolute terms and as a percentage of GDP.

15. **Ms. Bras Gomes** said she wished to know the definitions of indirect discrimination and systemic discrimination used by the State party, as well as steps taken to combat sexist stereotypes.

Articles 6 to 9 of the Covenant

16. **Mr. Ribeiro Leão** asked what impact the introduction of the higher qualification of “occupational safety specialist” (E/C.12/BLR/4-6, para. 145) had had on the situation of workers. He would welcome information on public policies adopted and applicable legislation on occupational health and hygiene.

17. **Ms. Shin** asked for further details on the employment system, which seemed only to guarantee the right to work in the context of permanent jobs. She asked whether the same rules applied to employees in the private sector as in the public sector, whether trade unions could organize freely and exercise their rights, and whether persons who were not actively looking for work were included in unemployment figures. She asked why Decree No. 9 on workers in the woodworking industry had not been repealed. She wished to know whether there were any laws prohibiting sexual harassment in the workplace.

18. **The Chairperson**, speaking as a member of the Committee, noted that, even though, as indicated by the delegation, 90 per cent of employees were members of 1 of the 37 trade unions in Belarus, in 2012 the International Labour Organization’s Committee on Freedom of Association had reported that legislation and practice relating to trade unions remained unchanged. The delegation could perhaps explain the process for setting up a trade union in Belarus and indicate what protection trade unionists were afforded. Noting that collective bargaining and the right to strike were recognized in Belarus, he asked whether signed collective agreements were actually implemented, whether the parties to those agreements could freely decide their positions, and whether persons calling for strike action were protected from reprisals.

19. **Mr. Sadi** asked whether the mechanism for setting the minimum wage was adequate and whether the minimum wage was regularly reviewed, given the number of workers who left the country because of low wages, particularly in the wood sector.

20. **Ms. Bras Gomes** said she wished to know what measures had been taken to narrow the wage gap between men and women, to protect workers in the informal sector in order to guarantee them a decent standard of living, and to ensure that social assistance was provided to those who needed it. She asked whether there was a minimum retirement pension.

21. **The Chairperson**, speaking as a member of the Committee, asked to what extent the State party monitored the implementation of economic, social and cultural rights in the private sector, particularly in the free zones.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

22. **Mr. Ambrazevich** (Belarus) recalled that the Covenant had been one of the first instruments ratified by the Republic of Belarus and explained that the delay in the submission of reports was the result of the difficult period of transition and reconstruction experienced by the State party between 1996 and 2010. The State party had almost cleared the reporting backlog, with now only one overdue report, which was expected to be submitted to the relevant body in the near future. Belarus was well aware of the efforts made by other countries to introduce anti-discrimination legislation but had not yet drafted any specific law on that matter. During the first UPR cycle, Belarus had accepted the recommendation concerning the establishment of a national human rights institution. Before reaching a final decision on the issue, the authorities were taking the time to consider whether it was appropriate to set up such an institution, notably through various seminars and meetings with many human rights experts.

23. **Ms. Velichko** (Belarus) said that the State party did not yet plan to accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights but might consider doing so in the longer term. It had, however, already ratified the Optional Protocol to the International Covenant on Civil and Political Rights.

24. **Ms. Bohdan** (Belarus) said that the law was applied uniformly throughout the country, and that public services, such as health, education, and water and food supply, covered the entire territory. Furthermore, programmes for the development of towns with fewer than 50,000 inhabitants and villages were being implemented. Access to health-care services was free, and rules had been adopted to ensure that everybody could access them. There were eight hospital beds for every 1,000 inhabitants, one general practitioner for every 300 inhabitants, one paediatrician for every 800 children and one pharmacy for every 12,000 inhabitants. There was only one paediatric cardiac surgery unit, but the care of children who needed such treatment — about 1,000 every year — was covered entirely by the State and they were transported to the specialist unit as quickly as possible.

25. **Ms. Dubrovnik** (Belarus) said that the provisions of international instruments were systematically incorporated into the domestic legal order. In the period since Belarus had ratified the Covenant, the courts had not had to invoke it directly to support their decisions because they had based them on the relevant national laws.

26. **Ms. Yushkevich** (Belarus) said that although her country had not yet ratified the International Convention on the Rights of Persons with Disabilities, it had done a great deal to promote respect for the rights of persons with disabilities, for example by adopting legislation on social protection and rehabilitation for persons with disabilities and the prevention of disabilities. Considerable efforts had been made over the past ten years to adapt workplaces and develop a network of specialized centres providing occupational therapy and rehabilitation at the regional level. Facilities had also been set up for children with special needs, particularly children with mobility impairments.

27. **Mr. Atangana**, referring to paragraph 89 of the State party's replies to the list of issues, asked how children could appeal to the Commission for Minors, guardianship bodies, the Procurator's Office and the courts if it was the very people supposed to act on their behalf who violated their rights and legitimate interests by subjecting them to cruel treatment.

28. **Mr. Pillay** asked what the current poverty rate was and whether it had increased since the 2011 financial crisis. He would be interested to know whether social benefits were

sufficient to guarantee a decent standard of living for the poor, large families, older women and women with disabilities, how many people had been able to improve their housing conditions since 2011 and how many still lived in precarious conditions. Lastly, he asked for additional information on corrective measures taken by the Government for the benefit of families living on the site of a highly toxic former dump in the vicinity of Minsk, who faced major health risks.

29. **Mr. Ribeiro Leão** asked whether the Government intended to take poverty reduction measures aimed specifically at disadvantaged groups in rural areas.

30. **Ms. Ravenberg** asked whether the State party was attempting to remove the many obstacles faced by people living with HIV or AIDS in accessing health care, what measures it had taken to guarantee the right of everyone to enjoy the highest attainable standard of physical and mental health, and whether the children of foreign residents and stateless persons were entitled to free health care.

31. **Mr. Sadi**, citing the results of a survey by the United Nations Children's Fund according to which 84 per cent of children aged between 2 and 14 stated that they had received corporal punishment in their family environment, asked whether the State party was endeavouring to stop the use of such disciplinary methods. He would be interested to know the State party's position on same-sex marriage, whether it might consider criminalizing marital rape, whether awareness-raising campaigns were conducted on the cardiovascular risks of smoking, and whether smoking had been banned in public places.

32. **Ms. Bras Gomes** asked whether the State party had adopted comprehensive legislation on sexual and domestic violence and about the status of the 2002 bill on domestic violence, including psychological violence. She wondered whether the State party had examined the root causes of trafficking in persons and whether it intended to adopt legislation in that area. She requested additional information on the decree under which children could be removed from families deemed "socially vulnerable", which was contrary to the best interests of the child and to parental rights, especially since, under that decree, parents seemed to be obliged to work in exchange for the service provided by the State. She also wished to know what steps had been taken by the State to ensure that refugees were well integrated economically and socially, and would appreciate additional information on the prevalence of tuberculosis in the State party.

Articles 13 to 15 of the Covenant

33. **Mr. Kerdoun** asked the delegation to indicate the school dropout rate in Belarus and explain why a prerequisite for instruction in Belarusian at university was that a group of 20 students must express the wish to study exclusively in that language. It would be interesting to know whether that condition reflected a shortage of qualified teachers to teach in that language or the predominance of Russian in the State party.

34. **Ms. Ravenberg** asked to what extent the low level of education of the Roma affected the unemployment rate among that population group, which was 31.4 per cent compared with 6.4 per cent for the rest of the population. Was the State party taking steps to remedy that situation?

The meeting rose at 1 p.m.