



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination
Sixty-fifth session

Summary record of the 1650th meeting

Held at the Palais des Nations, Geneva, on Thursday, 5 August 2004, at 3 p.m.

Chairperson: Mr. Yutzis

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

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Fifteenth to seventeenth periodic reports of Belarus (CERD/C/431/Add.9; HRI/CORE/1/Add.70)

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

2. **Mr. Malevich** (Belarus) said that the ethnic composition of the Belarusian population had not changed significantly during the period covered by the report. Inter-ethnic relations had remained stable and there had been no conflict based on ethnicity, religion or language, as borne out by the findings of a survey conducted by the Committee on Religious and Ethnic Affairs among leaders of national public associations, pursuant to a recommendation by the Committee on the Elimination of Racial Discrimination in the light of its consideration of the fourteenth periodic report of Belarus.

3. The situation owed its stability to Belarus's ethnic policy, which was based on the notion that the Belarusian nation was first and foremost a society of citizens rather than an ethnic community, and to the emphasis placed by the Belarusian authorities on respect for the principles and norms of international law, in particular those enshrined in human rights instruments, the main ones of which had been ratified by Belarus. Moreover, article 50 of the Constitution stipulated that everyone had the right to keep his or her ethnic identity and that no one could be forced to reveal it. Any attempt to justify religious, racial or ethnic hatred was prohibited and punishable by law. Freedom to choose a language of communication and of education was guaranteed. The Constitution also provided that all religions and denominations were equal before the law (art. 16), and prohibited any activity by a religious organization that sought to undermine civic harmony or constituted a violation of civil rights or liberties.

4. Several normative standards enshrined the principle of equality, including the Criminal Code, the Civil Code and the Labour Code, article 14 of which prohibited any restriction of labour rights on the grounds of sex, race, ethnic origin, language or religion. Foreigners and stateless persons in Belarus were equal before the law regardless of their origin, ethnicity, sex, language or religious beliefs. By virtue of the National Minorities Act, all Belarusian citizens were entitled to equal protection by the State. The Press and Other Mass Media Act prohibited the use of the mass media to incite ethnic, racial or religious intolerance or discord.

5. Belarus had respected its engagements under the Convention by establishing a legal framework under which various offences of a racial nature were punishable. Under the Criminal Code, offences motivated by racial, ethnic or religious hatred constituted an aggravating circumstance; serious personal harm inflicted because of race, nationality or ethnicity was punishable by sentences that could extend as far as life imprisonment or the death penalty; and incitation to racial hatred was punishable by up to twelve years of deprivation of liberty.

6. The right to petition the court for just and adequate satisfaction or compensation in the case of damages was guaranteed and could be invoked in cases of both material damage and moral injury. Citizens were equal before the law and criminal proceedings were based on that principle, independent of origin, race, ethnicity or sex, among other factors.

7. Article 16 of the Constitution provided that all religions were equal before the law. The population's relationship to religion had changed radically: a sociological study had found that in 1989, 22 per cent of the persons surveyed considered themselves to be

believers, while in 1998, that figure had risen to 37.5 per cent. The number of religious communities had nearly tripled between 1989 and 2002, when it had reached 2,825. Those developments had led to the adoption, in 2002, of the Freedom of Conscience and Religious Organizations Act, which had established the right of every individual to freedom of conscience and religion and the right of all religions to equality before the law.

8. Ethnic communities were an integral part of the Belarusian population and relations between social, ethnic and other kinds of communities were founded on the principles of equality before the law and respect for the rights and interests of each community (article 14 of the Constitution); the State ensured, for all ethnic communities living in the Republic of Belarus (art. 15), that their cultural and historical heritage was preserved and their cultural development unhindered. The National Minorities Act guaranteed equality to persons belonging to a minority regardless of how long they had been in the country, in particular in the economic, social and cultural spheres. There were at present 122 organizations representing 24 national minorities, some of which published newspapers and magazines with a cultural focus. Instruction in minority languages and cultures was offered in two schools where the instruction was provided in Polish, in two others where it was provided in Lithuanian, and in 65 schools attended on rest days by nearly 5,000 persons of a dozen different nationalities.

9. Under the Culture Act, the State's aim was to ensure the revival and development of the Belarusian national culture and of the cultures of ethnic communities living in Belarus. Financing to that end came from national and local budgets; subsidies were also awarded for the publication of books on national minorities in Belarus. The National Coordinating Council for Ethnic and Community Affairs had been set up in 1998 to promote the exercise of the rights of Belarusian citizens belonging to different ethnic groups; it comprised leaders of ethnic and cultural associations and representatives of the competent ministries. No political parties founded on the principle of ethnicity or with exclusively ethnic aims had been registered in Belarus.

10. Upon close examination, it became clear that the instances of racism, xenophobia or intolerance that occurred in the country were due to external influences rather than internal difficulties. In the period 1998 to 1999, the newspaper *Slavyanskaya Gazeta*, which had published articles inciting to ethnic and religious hatred, had, following due process, been prohibited by law and shut down. During the period 1998 to 2002, acts of vandalism had been committed in Jewish cemeteries in several towns, as well as in non-Jewish cemeteries. In every case, the judicial authorities had reacted immediately by taking the necessary measures.

11. During the period from the submission of the previous periodic report to March 2003, the Belarusian law enforcement services had investigated two criminal affairs covered by article 130 of the Criminal Code (incitement to hatred or racial, ethnic or religious discord) and had brought the perpetrators to justice. In the year 2000, an individual had been given a suspended sentence under article 71 of the 1960 Criminal Code. Following a criminal procedure launched on 11 March 2002, members of a group of skinheads had been found guilty of attacking Asian and African refugees studying at the Vitebsk medical faculty and had been sentenced to various prison terms, confirmed by the Supreme Court in 2003. Following that case and at the initiative of the Religious and Ethnic Affairs Committee, local authorities and judicial bodies had together drawn up a set of preventive measures.

12. On 15 November 2001, the Prosecutor's Office of the Svisloch district had lodged an appeal with the President of the district's Executive Committee against an order under which Roma could be employed by heads of agricultural enterprises only with the consent of the department of internal affairs, which unduly limited citizens' rights on the basis of

ethnic origin and constituted a violation of the Constitution and the Labour Code. The appeal had been upheld and the order in question rescinded.

13. A compendium of international instruments and Belarusian laws relating to protection of national minority rights had been published in 1999, expanded and republished in 2004, and broadly distributed. In addition, the subjects of inter-ethnic and international relations and prevention of discrimination were part of the curriculum at all levels of education.

14. **Mr. Tang** (Rapporteur for Belarus) noted with satisfaction that Belarus had adopted a series of laws to combat discrimination, including the Nationality Act, which granted Belarusian nationality to any person residing permanently in the territory since 1991; the Freedom of Conscience and Religious Organizations Act, which prohibited any restriction on the right to practice a religion; the National Minorities Act, article 3 of which prohibited any direct or indirect restriction of the rights of citizens and any privilege deriving from membership in an ethnic minority, and article 12 of which provided that all citizens of the Republic of Belarus, regardless of their nationality, were entitled to equal protection by the State; the Press and Other Mass Media Act, which prohibited the use of the media to incite ethnic, racial or religious intolerance or discord. Similarly, the Criminal Code of 1 January 2001 punished offences motivated by hatred or racial, ethnic or religious discord, and the Labour Code punished any restriction on labour rights based on race or ethnic origin.

15. With regard to the case described in paragraph 106 of the report under examination, he would like to know what measures the authorities would be taking to locate Mr. Ryakhov, against whom charges had been brought under article 130 of the Criminal Code, for having called Mr. Shapiro, Acting President of the Central District Court, “an individual of criminal ethnic origin”. He also wished to know whether orders wrongfully restricting the labour rights of Roma had been adopted in other districts in the country or whether the case was particular to the Svisloch district.

16. It would also be of interest to know what percentage of the representatives in national and local political institutions belonged to ethnic minority groups, since under Belarusian law, ethnicity had no bearing on the exercise of the right to be elected to the executive organs of the State and only a quarter of the population appeared to believe that a politician’s ethnic origin was important. What role did the 116 public associations created by national and ethnic groups play in safeguarding the legitimate rights of ethnic minorities?

17. Could the delegation verify whether it was true, as alleged by trustworthy sources, that certain measures taken by the Government in the region of Nesvizh violated the constitutional and legislative provisions guaranteeing freedom of religion? Additional information on the dismantling of buildings belonging to the Orthodox Autocephalous Church in a village in Grodno province, denounced by Human Rights Watch in its 2003 report, would also be welcome; it would be particularly important to know whether the police had actually arrested some members of the congregation and put them in prison.

18. The fact that cases of racial discrimination had not been reported did not prove, as the State party had claimed in the report under consideration, that Belarus had no cases of that kind; for example, according to information provided by the Anti-Racism Information Service (ARIS), Roma were victims of discrimination at school and in the areas of housing and employment, and received no legal assistance. Additional information on that matter would be appreciated.

19. The principles enshrined in the Convention were an integral part of training courses for law enforcement personnel, and the subject of human rights had been added to the curriculum at Belarus State University, both of which were welcome developments. It

would, however, be preferable to teach human rights in primary and secondary school as well.

20. He welcomed that fact that, contrary to what had happened in some other republics of the former Soviet Union, in Belarus, extremist and aggressive nationalist movements had not managed to gain a significant hold over the population. The delegation might nevertheless provide more detailed explanations of the isolated cases of anti-Semitism for which, according to some sources, the Russian Orthodox Church was responsible, and on the increase in discrimination observed in Belarus.

21. **Mr. Valencia Rodríguez** said that in terms of prevention, the authorities must remain vigilant in the light of the increase in discriminatory acts against members of ethnic minorities committed by groups of skinheads, who were mainly of Russian origin.

22. It would be useful to know which population groups requesting entry into Belarusian territory had been stopped at the border, what had motivated them to emigrate to Belarus, and whether the 21 stateless persons living in the territory were exercising their fundamental rights, in particular regarding access to employment, health, housing and social benefits.

23. He also wished to know whether certain national groups within the country had the possibility of being educated in their language; why, in most cases, members of ethnic groups did not speak their own language; and whether that was not precisely because of the predominance of Russian and Belarusian.

24. Belarusian law had many provisions — under the Criminal Code, the Media Act, the Political Parties Act and the Public Associations Act — which demonstrated that the State party was implementing article 4 of the Convention. It would nevertheless be preferable to combine all those provisions in a single legal instrument. That would increase familiarity with the provisions and make their application more effective.

25. The State party should also give due consideration to the conclusions of the Committee on the Rights of the Child concerning the nationality of children born outside of Belarus while one of their parents lived in the country.

26. The prohibition by the Labour Code of any discrimination in access to employment based on sex, race, ethnic origin, language or other criteria was most welcome. Nevertheless, it would be useful to know whether complaints had been brought for that reason and whether measures had been taken to sanction the perpetrators of such acts.

27. The fact that foreigners and stateless persons residing temporarily in Belarus could only engage in professional activities if so authorized by the Ministry of Labour and Social Benefits gave rise to concern, since some national or ethnic groups might be subject to restrictions or be given preference in comparison with other groups. The question then arose as to whether unemployment was higher in some minority groups, especially among women in those groups; what steps had been taken to lower the particularly high unemployment rate among refugees; and whether, parallel to criminal proceedings brought against the author of an act of discrimination, civil proceedings were initiated to provide compensation to the victim.

28. Nothing appeared to prevent Belarus from making the declaration under article 14 of the Convention, since article 61 of its Constitution provided that “everyone has the right, in accordance with the international instruments ratified by the Republic of Belarus, to petition international organizations in order to defend their rights once all local remedies have been exhausted”.

29. **Mr. Herndl** asked whether Belarus intended to ratify the amendment to article 6 of the Convention. He wished to know whether the Public Associations Act contained a

provision similar to article 23 of the Freedom of Conscience and Religious Organizations Act, which provided for the possibility of disbanding an organization of that type if it were engaging in activities against the civic peace, disseminating propaganda inciting to war, hatred or ethnic, religious or racial discord, or violating the honour and dignity of citizens.

30. He welcomed the entry into force in 2001 of the new Criminal Code, which laid particular emphasis on the prohibition of all forms of discrimination and on the combat against xenophobia and intolerance, but regretted that certain acts were punishable by death.

31. Was the closing down, after two warnings, of a newspaper that had been publishing articles inciting to discord and hatred a common procedure? More information on the bill to prevent and combat all forms of extremism would be welcome. The number of stateless persons, although on the decline, remained a concern and made it imperative for the State party to ratify the 1954 Convention relating to the Status of Stateless Persons.

32. **Mr. Avtonomov** requested data on anti-Semitic acts in Belarus and information on the measures taken or envisaged to combat that scourge. He would also appreciate data on criminality and the sentences handed down by the tribunals. Drawing the attention of the delegation to the Committee's general recommendation XXVII on discrimination against the Roma, he asked for more information on the measures taken to combat discrimination against the Roma.

33. **Mr. Boyd** asked whether the delegation could confirm or deny the information transmitted by non-governmental organizations (NGOs) according to which the Jewish community was allegedly victim to a growing number of anti-Semitic acts, Belarusian Internet sites were hosting neo-Nazi propaganda and Jews were having difficulty obtaining the support of the authorities to open schools and publish newspapers.

34. **Mr. de Gouttes** said that the legislation against racism appeared to be comprehensive but wondered whether it prohibited and sanctioned acts of discrimination committed by private groups. The State party referred to isolated incidents of anti-Semitism, notably the desecration of cemeteries and the publication of anti-Semitic articles, but provided hardly any information on the nature and gravity of the criminal penalties for perpetrators of such acts and the type of compensation offered to the victims. The delegation might wish to fill in that missing information and indicate the number of complaints filed and judgements handed down in order to measure the extent of the phenomenon of xenophobia and anti-Semitism. The small number of complaints might be due to the fact that the victims were not informed of their rights by the State party. It would also be useful to have information on the Government's efforts to strengthen the independence of the judiciary and improve training for judges and magistrates.

35. With regard to application of article 5 of the Convention, he had received information alleging that acts of violence had been committed by skinheads and members of ultranationalist groups against foreigners and members of ethnic minorities; xenophobia and nationalism had been exploited by certain national political forces, among them the Russian Orthodox Church; and NGOs working in the field of human rights had been intimidated and harassed. The delegation's viewpoint on those allegations would be welcome.

36. Explanations with regard to the closing, in February 2004 in Minsk, of the international humanitarian institute, which had maintained a department of Jewish history and civilization, would also be appreciated.

37. With reference to article 7, the delegation might wish to set out the measures taken by the Government to ensure the public diffusion of the Convention, and in particular of the Committee's conclusions and recommendations, and to indicate whether the Government

planned to make the declaration under article 14 of the Convention. Such an act would provide convincing evidence of the Government's determination to fully implement the Convention.

38. **Mr. Lindgren Alves** asked why the teaching of Russian and one other foreign language was compulsory in Belarusian schools when 80 per cent of the population considered itself to be Belarusian. It would also be interesting to know why the recognition by a citizen of his or her membership in a particular ethnic group was coupled with the obligation to study the language of that group.

39. The argument according to which anti-Semitic acts, in particular the desecration of cemeteries, was not a result of latent anti-Semitism but of young people's lack of education was too simplistic. The fundamental causes of anti-Semitism in the country must be analysed in order to combat it effectively.

40. It was surprising that the periodic report under consideration failed to mention the measures taken to ensure the follow-up to the Durban Conference, despite the fact that Belarus had participated actively in it.

41. Did the Belarusian Government intend, as the Commission on Human Rights had requested in its resolution 2004/14, to extend invitations to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Representative of the Secretary-General on the situation of human rights defenders to visit the country? Did the Government intend to host on its territory the Special Rapporteur appointed in 2004 by the Commission to examine the situation of human rights in Belarus?

42. **Mr. Kjaerum** regretted that the report under consideration had not been prepared in cooperation with NGOs and wished to know in what fields the authorities cooperated with NGOs and whether the conclusions and observations of the Committee were communicated to them and to civil society.

43. He asked the delegation to confirm or deny allegations from various sources that it was practically impossible for a Rom child to be educated in a proper school; that nearly all Roma were unemployed and that the Government had created separate living areas for the Roma because no one wanted to live near them. Even though the process of integrating minorities, including the Roma, was often long and difficult, governments were obliged as State parties to the Convention to endeavour to guarantee their integration, particularly in areas listed in the Committee's general recommendation XXVII on discrimination against Roma.

44. He drew the attention of the authorities to the dramatic situation of foreign women involved in prostitution networks, who were, as underlined in the Committee's general recommendation XXV, victims of a double discrimination — both as women and as foreigners.

45. The delegation might also indicate whether the authorities planned to create a national human rights institution responsible for raising public awareness of human rights issues and monitoring, at the national level, the implementation of the State party's international commitments.

46. **Ms. January-Bardill** asked for additional information on the situation of refugees, in particular in terms of access to social services other than employment, and to education and training.

47. She drew the delegation's attention to the situation of women in Belarus, who were among the most vulnerable and disadvantaged because, according to the report under study,

women took twice as long as men to find a new job and 80 per cent of the long-term unemployed were women.

48. What measures did the Government plan to take to combat incitement to racial hatred on the Internet?

49. **Mr. Amir**, welcoming the quality of the information in the report under consideration, pointed out that Belarus had made only one reservation to the Convention, which had no relation to its fundamental articles but referred instead to article 17 concerning the signing and ratification of the Convention. The ranking of Belarus in terms of its implementation of the Convention was very respectable, especially in view of the 140 ethnic minorities living in the country, despite the fact that some problems, such as prostitution, remained.

The meeting rose at 6 p.m.