



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General

23 August 2013

Original: English

Committee on the Elimination of Racial Discrimination

Eighty-third session

Summary record of the 2248th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 21 August 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

Contents

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

Eighteenth and nineteenth periodic reports of Belarus (continued)

The meeting was called to order at 10.05 a.m.

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

Eighteenth and nineteenth periodic reports of Belarus (continued) (CERD/C/BLR/18-19; CERD/C/BLR/Q/18-19)

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

Mr. Rybakov (Belarus) said that, in order to avoid politicizing the discussion and going beyond the Committee's mandate, his delegation would initially provide detailed answers to questions directly concerning implementation of the Convention, while taking note of questions not falling within the Committee's mandate, including those relating to other international agreements to which his country was a party. To show goodwill, it was prepared to provide answers to the latter category of questions at a later stage in the dialogue.

At the previous meeting the meaning of the word *metodicheskii* had been discussed. He wished to clarify that the word, in the context in which it had been used, signified help in the form of printed materials such as textbooks.

Mr. Lameko (Belarus), after outlining the origins of his country's multi-ethnic society, said that most ethnic communities, rather than living in well-defined enclaves, were dispersed throughout the country. Larger ethnic groups were represented by associations, the permitted scope of whose activities was specified in their respective charters. The Government aimed to prevent the politicization of the activities of cultural and religious associations, while supporting activities aimed at strengthening the country's multi-ethnic society.

Turning to the situation of the Roma in Belarus, he said that they were represented by Belorussian Gypsy Diaspora, which was an association, and that significant progress had been made in recent years in terms of integrating them into the economic and educational systems. While a large proportion of Roma remained economically inactive, their employment levels were rising. Some years ago the Organization for Security and Cooperation in Europe had proposed a joint project to promote the integration of the Roma into Belarusian society. Representatives of the Roma, however, had felt that being the subjects of a separate strategy would emphasize their "otherness". Responding to a question about the role of religion in society and the promotion of harmony among different faiths, he said that churches were being restored and that moral considerations were important for the optimal functioning of society and the economy.

Mr. Yazhyk (Belarus), responding to questions about education, said that the Education Code provided for the establishment of some schools dispensing instruction partly or wholly in a minority language. There were currently four schools where all teaching occurred in a minority language – two Lithuanian-language schools and two Polish-language schools. A total of 114 secondary schools incorporated the study of minority languages into their curricula to various degrees. Non-formal education for children outside school included clubs for studying minority languages.

His Government worked to encourage Roma parents to send their children to school by the age of 6, and school attendance rates among the Roma, while low, were improving. The number of Roma graduating from higher-level institutions was also increasing.

Regarding human rights education, he said that the secondary-school curriculum included two optional courses dealing with human rights issues. In addition, schoolchildren were taught about the Convention on the Rights of the Child, and handbooks about it, adapted to different age levels, were distributed in schools.

Ms. Tsalka (Belarus), responding to questions about the judicial system, said that some of the answers appeared in the report. She

added that article 190 of the Criminal Code provided punishment for, among other things, the establishment of direct or indirect advantages for citizens on the basis of factors such as race, national language, gender or religious affiliation. No one had yet been convicted under that article. Statistics relating to other articles of the Code were provided in the report. Article 8 of the Constitution stated that the principles of international law prevailed over those of national law, and that norm-setting activities were to be based on generally recognized principles of international law. National legislation did not specifically refer to racial discrimination but might in the future be amended to do so.

Responding to a question about article 4 of the Convention, she said that it was fully reflected in her country's legislation. Regarding the independence of lawyers and the judiciary system, she said that interference with the work of the judiciary system was punishable under relevant legislation. A 2001 law provided independence for lawyers in carrying out their professional activities. They were allowed to maintain confidentiality regarding cases in which they were involved and could not be interrogated about such cases.

Mr. Shedko (Belarus), replying to a question about the media, said that his country's growing media market included a number of foreign-language print and broadcast outlets in languages such as Polish, Ukrainian and German. The media were regulated by the Ministry of Information, which was empowered to issue warnings to outlets that violated the media law. Recent years had not seen any warnings issued, however, with regard to incitement to ethnic, racial or similar discrimination. In his view the incidence of such warnings was decreasing because the media were working in a more professional way.

Mr. Begun (Belarus) said that although Belarus had not ratified conventions relating to statelessness, their provisions were contained in national legislation and the number of stateless persons was decreasing. Ratification was not currently appropriate, but the matter would be examined in the near future. A series of measures had been taken to combat trafficking in persons in Belarus, which had led to a reduction. Since 2008, no foreign victims had been detected and assistance was provided for trafficking victims, including temporary housing and medical care. Some victims were in transit to Europe and work was being done with police forces in other countries to effectively combat the practice.

Foreigners with long-term residence permits and temporary visas accounted for less than 2 per cent of the total population. Most were citizens of the former Soviet Union and were well integrated into society. If foreigners did not have a source of income within six months of their entry into Belarus, their residence permit could be cancelled. A collaborative project with the High Commissioner for Refugees and the European Union had provided technical assistance for the integration of refugees and there were hardly any foreigners without a legal status in Belarus. The decision on whether Belarus would ratify the Migrant Workers Convention depended on examination of other countries' experience.

Staff at the Ministry of Internal Affairs studied human rights at specialized higher education institutions, and materials had been developed to assist teachers. From the age of 14, citizens were obliged to carry identity documents, issued by the Ministry of Internal Affairs. The Office of the Procurator-General was responsible for upholding legislation, including that concerning the equality of citizens before the law, and it dealt with complaints from victims of rights violations relating to ethnicity.

Mr. Rybakov (Belarus) said that the Government had improved living standards through measures to support incomes. The country was among the best in the world for mothers and children, an indicator of efforts to protect the rights of women, including those from ethnic minorities.

Belarus had co-sponsored General Assembly resolutions on the International Year for People of African Descent and the commemoration of the 200th anniversary of the abolition of the transatlantic slave trade. It had also advocated strengthened coordination in international efforts to combat the trafficking of persons.

There had been isolated cases of the destruction of Jewish monuments. However, anti-Semitism had no place in Belarus, as demonstrated by the high regard for the country's Jewish community and the events celebrating Judaism that had taken place. Damage to Jewish cemeteries was simply vandalism and no incidents had taken place recently. Similarly, no cases of neo-Nazism had been recorded since 2005, a subject of great importance given the country's suffering during the Second World War. Neo-fascism was monitored both domestically and internationally and the Ministry of Foreign Affairs had published a report noting incidents of neo-fascism in several western countries. Belarus was a co-sponsor of a General Assembly resolution on the inadmissibility of practices contributing to racial discrimination and intolerance.

The State party had cooperated with the Special Rapporteur on the independence of judges and lawyers and had brought a ban on entry to the European Union for some Belarusian judges to his attention. The ban was political and aimed to place pressure on judges. Any external influence on judges' decisions was intolerable. The ban was part of unilateral restrictive economic measures that contradicted western countries' obligations concerning development, while affecting Belarusian citizens' enjoyment of their rights.

The State party would examine the possibility of ratifying the amendment to article 8 of the Convention and would continue to study the experience of other countries regarding article 14. The recommendation on establishing an ombudsman's office on human rights had been adopted by Belarus during the first cycle of the universal periodic review. The second cycle would occur in May 2015, an appropriate timeline for the recommendation's implementation. An inter-agency plan for the implementation of the recommendations had been drawn up that addressed the creation of a national human rights institute, and a seminar had been held on the matter. Every State had the right to select a human rights protection mechanism that was most appropriate for its needs and the Government needed to be fully convinced that an institute would be effective and would not duplicate existing mechanisms. Such institutes did not always meet their objectives and the experience of other countries in that regard would be studied.

Belarus was willing to work with the special procedures of the Human Rights Council provided that special rapporteurs did not politicize their mandate. Committee members should not focus on the assessment made by the Special Rapporteur on the situation of human rights in Belarus because his mandate was not recognized by the Government or most member States of the Human Rights Council. The Special Rapporteur had never been to Belarus and did not have reliable information. The decision to create his mandate had been imposed by certain countries who were applying unilateral coercive measures on Belarus, measures that the General

Assembly had deemed harmful. Belarus did not need a Special Rapporteur, especially given that he was a citizen of the European Union, which had created the mandate and imposed the illegal sanctions. The only source of comprehensive information on the human rights situation in a country was the universal periodic review.

The Chairperson said that he regretted that concluding observations could not be drafted in Russian, owing to a lack of resources. Committee members were not representatives of their countries; they were independent and spoke in a personal capacity. The Russian Federation was currently using Belarusian legislation as a model for the reform of its laws concerning lawyers.

Mr. Amir asked whether, after the collapse of the Union of Soviet Socialist Republics, Belarus continued to draw upon a socialist legal doctrine and whether other doctrines were also sources of inspiration.

Mr. Thornberry said that attention should be paid to discrimination of minorities by other minorities and it should be ensured that differences in treatment did not amount to discrimination. The principle of non-discrimination did not prohibit all differences in treatment; it was necessary to consider the circumstances of different groups. He requested clarification of article 9.22 of the Code of Administrative Offences, which mentioned the defamation of languages and information on hate speech on the Internet. He noted that the concluding observations made by the Committee on the Elimination of Discrimination against Women in 2011 had mentioned the absence of the specific prohibition of discrimination against women, a subject that was also relevant to the Committee if it was linked to racial discrimination. He asked whether the school curriculum covered the Holocaust or the suffering of the Roma in the Holocaust.

Ms. Tsalka (Belarus) said that legislation was developed on the basis of democracy and the rule of law and took into account the experience of many countries. International law took priority and legislation complied with its standards and those of the Conventions to which Belarus was party, which meant that international law was implemented and could be applied directly.

Mr. Lameko (Belarus) said that the concept of ethnic majorities and minorities did not exist in Belarus because all citizens were equal before the law. No statistics were compiled concerning ethnicity. Everyday communication tended to be in Russian, but minority languages were a vital component of the national culture and work was being done to raise awareness of Belarusian.

Mr. Rybakov (Belarus) said that, although he himself was a member of a minority, he had not suffered discrimination and felt that he was primarily a Belarusian citizen.

Mr. Shedko (Belarus) said that the Internet was currently unregulated in all countries. Its global nature meant that destructive information on racial issues often came from sites registered outside Belarus, and there were no legal controls. Websites were not officially designated as media in legislation and therefore fell outside the remit of the Ministry of Information. International regulation of the Internet was needed, perhaps in the form of a convention, and the United Nations should play a regulatory role. The Ministry had received numerous complaints relating to rights violation on the Internet, but it could not act.

Mr. Yakzyk (Belarus) said that the history curriculum in his country included all the figures who had played a part in the development of the State, regardless of their nationality or ethnic background. The teaching of the Second World War reflected the fact that it had been a major tragedy for the Belarusian people. Focus was placed on the Holocaust, as some 800,000 Jews and gypsies had been killed in death camps on Belarusian territory. An annual week-long memorial for victims of the Holocaust was held in schools in cooperation with Jewish organizations.

Mr. Rybakov (Belarus) drew the Committee's attention to an error he had made at the previous meeting. When referring to the Yama Memorial in Minsk, he had said that 5,000 Jews had been killed in the ghetto, whereas in fact 5,000 had been killed on a single day in March 1942. Many more thousands of people had been killed in that ghetto.

Ms. Velichko (Belarus) said that, for the most part, gender equality was a reality in her country. Parental leave had been made available to mothers, fathers and grandparents. Some 30 per cent of the members of parliament were women.

Mr. Murillo Martínez commended the State party on its efforts to combat racial discrimination and noted that the data provided in paragraph 53 of the periodic report suggested a decrease in the number of acts of racial discrimination. It would be useful to have information in forthcoming periodic reports on the specific sectors that received the training to which the delegation had referred. He commended the State party on its efforts to commemorate the International Year of People of African Descent and urged it to support the declaration of the international decade of people of African descent at the forthcoming session of the United Nations General Assembly. He also welcomed the news that the State party had invited the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit Belarus.

Mr. Lahiri said that, while the State party's legislation did not contain a definition of racial discrimination and the country lacked a national human rights institution that came anywhere near fulfilling the Paris Principles, its legal framework appeared to address most of the issues contained in the Convention. However, it was difficult to reconcile the picture the periodic report and the delegation had painted with some of the statements of the Special Rapporteur on the situation of human rights in Belarus and other special rapporteurs, which pointed to a disturbing reality regarding the enjoyment of human rights other than those enshrined in the Convention. He would appreciate greater clarity on the reasons for that rather contradictory situation and for the State party's dismissal of the mandate of the Special Rapporteur on the situation of human rights in Belarus.

Mr. Rybakov (Belarus) said that the Government would be happy to provide clarification of the reasons why it believed the mandate of the Special Rapporteur on the situation of human rights in Belarus to be illegitimate. However, the current dialogue was not the appropriate forum in which to discuss that problem, as such issues did not fall within the Committee's competence.

Ms. Crickley said that she continued to be concerned at the lack of a national human rights institution in the State party, particularly as the possibility had been discussed at the consideration of the fifteenth to seventeenth periodic reports in 2004 (CERD/C/SR.1650,

para. 45). The delegation's assertion that it was trying to raise awareness about education among the Roma was insufficient, given the gaps in educational attainment affecting the Roma population in the State party. She would therefore appreciate more specific information on the measures and initiatives that were being implemented in that regard. She asked how the State party planned to address the negative stereotyping of the Roma in the media and exactly how it planned to integrate the Roma, taking into account the concerns that the Roma community had expressed about policies of assimilation and segregation. She wished to know what direct action the State party took to support victims of trafficking, particularly unaccompanied children. She would appreciate clarification of whether the State party considered national minorities other than those listed under the provisions of the Framework Convention for the Protection of National Minorities of the Council of Europe.

Mr. Vázquez asked what specific measures had been put in place to enable the Roma population to compete on a more equal footing with the rest of the population in the educational sphere. It would be useful to know whether the State party had considered taking special measures in that regard. The Committee would appreciate comprehensive data on all the cases in which the Counteracting Extremism Act had been enforced, in order to ensure that it was not applied in inappropriate circumstances, thus disadvantaging vulnerable groups.

He noted the delegation's view that issues such as the independence of the judiciary and the ability of lawyers and human rights offenders to operate fell outside of the scope of the Convention. However, in his opinion they fell within it insofar as the judiciary, lawyers and human rights defenders were central to guaranteeing the effective implementation of Convention rights. While it had been useful to learn about the Constitutional guarantees and domestic legislation in place in that regard, the Committee would appreciate additional information on how that legislation had been interpreted and applied in practice. It would be useful to have data on cases involving interference with the work of judges. Given that the main concern regarding the independence of the judiciary was interference by the executive branch, the fact that criminal legislation depended on the Executive for its enforcement was not reassuring. A national human rights institution that fulfilled the Paris Principles would be extremely useful in that regard. He asked whether the Executive had the power to dismiss judges. He would also welcome the delegation's comments on reports that the State's activities made it difficult for human rights defenders to operate independently.

He drew attention to the fact that the concerns he had expressed in the previous meeting, with reference to the statements of the Special Rapporteur on the situation of human rights in Belarus, had also been raised by other United Nations entities and other respected human rights organizations. The establishment of special procedures by the Human Rights Council should not be perceived as an imposition of sanctions against any State party; rather, they were a mechanism designed to help improve the human rights situation.

Mr. Lameko (Belarus) noted that, according to the Organization for Security and Cooperation in Europe, the Government had implemented some excellent initiatives to improve the situation of the Roma population, who enjoyed a standard of living that was no worse than that of the country's indigenous communities. The programme for the social and cultural development of the Roma had been developed in cooperation with Roma representatives and experts. It included a series of initiatives to improve the level of integration of that population, particularly in the educational sphere, and to preserve their language and cultural identity.

Mr. Yakzhyk (Belarus) said that the general educational programme for the Roma constituted a special measure for that community. Some 70 per cent of the Roma population that were physically able to work were currently employed as a result of that programme and the Government's awareness-raising efforts. At a meeting with Roma representatives, there had been no support whatsoever for segregated schools. In fact, the integration of all ethnic groups in the education system was regarded as one of its strengths.

Mr. Begun (Belarus) said that the Government worked with the International Organization for Migration, national NGOs and local authorities to identify and assist victims of trafficking. Child victims were offered counselling by specialist psychologists. All victims were entitled to free legal advice, temporary accommodation, health care and vocational training to facilitate their social reintegration. Perpetrators of human trafficking who were brought to justice were required to pay their victims compensation. The Counteracting Extremism Act had been applied on several occasions in 2013 in connection with, inter alia, dissemination of Nazi symbols on the Internet, attempts to obtain weapons and ammunition and the publication of statements that disparaged national honour and dignity.

Mr. Popov (Belarus) said that the Committee's mandate was to examine the human rights situation of ethnic, religious and racial minorities. Human rights defenders had an important role to play and his country cooperated regularly and constructively with the Special Rapporteur on the situation of human rights defenders. According to her reports, the situation of human rights defenders in Belarus was significantly better than in many other parts of the world. She had acknowledged that it was sometimes difficult to ascertain whether so-called human rights defenders were in fact political activists. His Government found it strange to note that, in former Soviet States, individuals who expressed views that differed from those of their governments were automatically labelled as human rights defenders, whereas that did not occur in western countries.

Mr. Lindgren Alves (Country Rapporteur) commended the delegation for its constructive dialogue with the Committee. In view of the poor image of the State party often portrayed by the international press, he suggested that the Government should increase its efforts to publicize the progress that was being achieved. The Committee took note of the State party's efforts to improve the situation of the Roma population. It remained concerned, however, at the lack of a definition of racial discrimination in domestic legislation, training for the judiciary and law enforcement personnel, and the independence of judges and lawyers.

Mr. Rybakov (Belarus) thanked the Committee for the open, substantive dialogue with his delegation. The Government recognized that work remained to be done in several areas, as had been evident from the Universal Periodic Review. While eliminating all forms of discrimination was one of the Government's top priorities, there was no discrimination in Belarus based on race, skin colour, language, national origin or religion. He trusted that the Committee would strive to preserve its laudable reputation by refraining from politicizing issues in the future.

The meeting rose at 1.10 p.m.