



Economic and Social Council

Distr.: General
17 February 2022

Original: English

Committee on Economic, Social and Cultural Rights

Seventy-first session

Summary record of the 3rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 15 February 2022, at 9 a.m.

Chair: Mr. Abdel-Moneim

Contents

Consideration of reports (*continued*)

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

Seventh periodic report of Belarus

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



Please recycle A small recycling symbol icon.

The meeting was called to order at 9.20 a.m.

Consideration of reports (continued)

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

Seventh periodic report of Belarus (E/C.12/BLR/7; E/C.12/BLR/QPR/7)

1. *At the invitation of the Chair, the delegation of Belarus joined the meeting.*
2. **Mr. Aleinik** (Belarus), speaking via video link, introducing the seventh periodic report of Belarus (E/C.12/BLR/7), said that his country was fully up to date with its reporting obligations and had made no reservations to the Covenant. Belarus would maintain its traditional focus on Covenant rights, as shown by its high ranking on the human development index and its status as one of only 22 countries with an index at least as high for women as for men; its low unemployment figures according to International Labour Organization figures; its significant progress towards achieving the Sustainable Development Goals; and its near universal literacy levels.
3. The State would continue to devote significant resources to providing a decent standard of living and social protection to the entire population, despite facing new challenges such as the destructive effects of the global response to the coronavirus disease (COVID-19) pandemic, the illegal sanctions applied by Western countries and relentless information warfare.
4. A legal reform process that had been under way for two years would culminate in a national referendum on proposed changes to the Constitution, to be held on 27 February 2022. In his recent annual address to the nation, President Lukashenko had recalled that Belarus was a social State that functioned on the basis of the principles of fair access to social goods, responsible fulfilment by the State of its obligations to provide comprehensive support, and care delivered through a developed system of social assistance for persons in difficult circumstances. Social spending accounted for around half of the national budget for 2022.
5. Like all States, Belarus encountered difficulties in upholding economic and social rights. However, the merits of different approaches could only be assessed with time. For example, Belarus had been criticized for its lack of strict quarantine measures in its response to the COVID-19 pandemic, although its policy had been based on health system capacity and forecasting. The country had been able to fulfil its social obligations throughout the pandemic and strict lockdowns were increasingly recognized as ineffective.
6. He hoped that the Committee would speak out about the counterproductive nature of the sanctions imposed on Belarus and instead call on the West to engage in dialogue. The sanctions were impeding fulfilment of the Sustainable Development Goals and were incompatible with the Charter of the United Nations and the core human rights treaties, including the Covenant.
7. In September 2021, speakers at an international conference convened by the national Federation of Trade Unions had pointed out the negative impact of sanctions on workers' social and economic rights and on international trade, which affected ordinary citizens of Belarus and other countries. For example, the ban on the transportation of potassium fertilizer from Belarus was leading to increased food prices and endangering global food security.
8. The State was taking measures to protect its citizens from the harmful effect of Western sanctions. Contrary to the negative image of Belarus promulgated among the international community by the West, Belarus was a developed, peace-loving European country with a highly educated, hard-working and hospitable population.
9. **Ms. Shin** (Country Rapporteur) said that she would appreciate some examples of how obligations under the Covenant, including the principle of non-discrimination under article 2 (2), were incorporated into national laws. She would like to know how judges and prosecutors were trained on Covenant obligations. She wondered whether, in the absence of comprehensive anti-discrimination legislation, current sector-specific legislation prohibited direct, indirect and intersectional discrimination in the exercise of all Covenant rights and

provided victims with protection and remedies. It would be helpful to have examples of how Covenant rights were protected.

10. She would like to know whether any progress had been made in establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Noting that more than 300 non-governmental organizations (NGOs) were either in the process of forced liquidation, had had lawsuits for forced liquidation filed against them or had already been liquidated, she was interested in the status of the 2019 bill to amend the current restrictive law on NGOs, under which organizations promoting economic, social and cultural rights were being shut down.

11. She wished to know whether any investigations and prosecutions had been initiated following violations of the rights of peaceful protesters, including mass dismissals of employees and expulsions of students who had participated, detention in degrading conditions and failure to provide medical care. She was particularly interested to hear the delegation's comments on the case of Ms. Kseniya Martul, administrator of a Telegram channel reporting on gender stereotypes, who had been arrested while teaching and sentenced to 15 days in jail on 15 December 2021.

12. She would like to know how childcare and housework were distributed among men and women and whether any time use survey had been carried out. She wished to hear about measures to reduce the "double burden" on women and encourage men to share family responsibilities. She would like to learn more about the paternity leave provided for in the Labour Code, including its duration and conditions, and to know how many fathers had taken such leave since its introduction in January 2020. She wondered whether any temporary special measures had been adopted to tackle entrenched gender stereotypes.

13. She would like to receive the official statistics on infections and deaths related to COVID-19. She wished to know what measures had been taken to prevent infection among different population groups and to mitigate the negative effects of the pandemic on jobs, health, education and social security. Lastly, she wished to emphasize that Belarus was obliged to fulfil its obligations under the Covenant regardless of whether it was subject to economic sanctions.

The meeting was suspended at 9.50 a.m. and resumed at 9.55 a.m.

14. **Ms. Karpovich** (Belarus), speaking via video link, said that the Constitutional Court had invoked provisions of the Covenant in 15 of its decisions in the previous three years. A constitutional reform was under way in Belarus. Since its establishment in March 2021, the Constitutional Commission had received more than 15,000 proposals for constitutional amendments from individuals and organizations. The resulting draft amendments to the Constitution would soon be put to a national referendum. One of the principles behind the amendments was to develop legislation to fulfil the international obligations of Belarus, including those under the Covenant.

15. Many of the proposed amendments were intended to strengthen the constitutional provisions on economic, social and cultural rights, equality and non-discrimination. For example, a new provision would establish that persons with disabilities must have equal opportunities to exercise their rights and freedoms and that State policy should ensure social inclusion, an accessible environment and improved quality of life for persons with disabilities. A provision which currently stipulated that women must be afforded equal opportunities in education and training, employment and promotions and in public and political life would be updated to specify that equality of opportunities applied to both women and men.

16. Based on proposals from citizens, the population groups entitled to special social welfare protection from the State would be expanded to include persons with disabilities and older persons. Further constitutional amendments would reinforce the protection of families and children, through provisions on the obligation of parents and guardians to prepare children for socially useful labour and the obligation of the State to support families with children, orphans and children left without parental custody. Another new provision

established that the State must create the conditions for the free and effective participation of young persons in public life and the fulfilment of their potential.

17. Citizens' right to appeal to the courts against any acts or omissions by State bodies and officials that infringed their rights and freedoms would be enshrined in the Constitution, and individual constitutional appeals would be introduced in the legal system.

18. If adopted, the proposed amendments to the Constitution would provide for the establishment of posts for commissioners, which could include a commissioner for human rights or ombudsman, and would enshrine the right to establish voluntary associations and participate in their activities. The proposed amendments had been discussed through a process of open dialogue with civil society, had been endorsed through public consultation and were consistent with the obligations of Belarus under international law.

19. **Mr. Rumak** (Belarus), speaking via video link, said that Belarus was a multi-faith and multi-ethnic country. According to the 2019 census, there were 156 ethnicities represented among the population. As at 1 January 2022, 3,569 religious organizations were operating in the country, representing 25 faiths and religious denominations.

20. Belarus had a long tradition of religious tolerance, which had been strengthened through constitutional guarantees of the right to freedom of conscience and religion and the equality of religions before the law. Since gaining independence, the country had experienced neither religious conflict nor inter-ethnic strife. State policy on inter-ethnic relations and the protection of the rights of persons belonging to ethnic minorities was governed by the Constitution and the Ethnic Minorities of Belarus Act.

21. The Office of the Commissioner for Religious and Ethnic Affairs coordinated activities to promote ethnic and cultural development. The Commissioner headed an interdepartmental working group on improving State policy on inter-ethnic relations. The 21-member Inter-Ethnic Advisory Council under the Office of the Commissioner discussed inter-ethnic relations and the statutory activities of associations at its meetings.

22. The freedom to profess any or no religion was regulated by the Freedom of Conscience and Religious Organizations Act. All religious organizations registered in the country received significant State support. For example, they received financial assistance for restoration work on buildings classed as historical or cultural monuments, and ministers of religion and full-time students at religious educational institutions were granted temporary exemptions from military service.

23. The members of the Interfaith Advisory Council under the Office of the Commissioner included leaders of all national religious associations. The Council worked to facilitate interfaith dialogue, preserve the country's tradition of tolerance and enhance cooperation between the State and religious organizations in addressing socially significant issues.

24. The fourth Programme for the Development of the Religious Sphere, Ethnic Relations and Cooperation with Belarusians Abroad, which covered the period 2021–2025, was aimed at giving religious organizations a role to play in addressing various topical issues; facilitating the preservation and development of ethnic cultures and languages; and helping to foster cooperation between the State and Belarusians abroad in addressing issues of social development in Belarus.

25. The Commissioner gave persons of any faith or ethnic minority the opportunity to ask questions and put forward proposals. To discuss interfaith issues, the Commissioner regularly met with religious figures and representatives of embassies.

26. The preservation of stable interfaith relations and the development of constructive intercultural dialogue were key priorities for Belarus. In the future, further efforts would be made to ensure that all persons living in the country were able to exercise their economic, social and cultural rights, whatever their ethnicity or religious affiliation.

27. **Ms. Maslouskaya** (Belarus), speaking via video link, said that public policy in Belarus was geared towards ensuring the exercise of constitutionally guaranteed social rights, including the rights to labour, pension provision and a decent standard of living. In accordance with article 14 of the Labour Code, the restriction of labour rights on the basis of

sex, ethnicity, age, social status, religion or physical or mental disabilities was prohibited. In that connection, victims of discrimination could take legal action. Article 16 of the Code set out a list of persons with whom an employer could not refuse to conclude a labour contract without good reason. The list included pregnant women, mothers of children aged under 3 years and single parents of children aged under 14 years.

28. In Belarus, gender equality was an integral part of social policy. The Government was currently implementing the sixth National Action Plan on Gender Equality, which covered the period 2021–2025. Women’s health, educational attainment, involvement in decision-making and position in the labour market were key priorities under the National Action Plan. The National Council on Gender Policy oversaw the implementation of the National Action Plan.

29. Women were widely represented in the civil service and the judicial system and constituted approximately 35 per cent of members of the National Assembly. Progress had been made in increasing women’s economic independence and making it possible for them to realize their potential in the socioeconomic sphere.

30. In 2016, the Employment Act had been amended to allow persons raising children aged under 3 years to participate in vocational training and retraining free of charge and to improve their skills, all while receiving a grant. Over the period 2017–2019, approximately 300 women had taken advantage of that opportunity. The number of women who were unemployed had remained consistently low in recent years. At the beginning of 2022, women accounted for approximately 36 per cent of the unemployed persons registered with the State Employment Service.

31. The Labour Code contained a number of articles aimed at ensuring that women and men had equal opportunities to realize their rights, including the right to bring up children. For example, parents who were both working had the right to choose whether the mother or the father would take parental leave until the child reached the age of 3 years. In 2020, the Labour Code had been amended to give fathers the right to take 14 days of leave over a six-month period following the birth of a child; to strengthen the safeguards in place to protect working single parents, including fathers; to allow parents to work remotely; and to lift the ban on overtime work and business trips for mothers raising children aged under 3 years. Further amendments to the Labour Code had been drawn up to provide for more flexible work arrangements of various kinds.

32. **Ms. Kirichenko** (Belarus), speaking via video link, said that the exercise of the constitutional right to freedom of association was governed by the Voluntary Associations Act, which created a legal and organizational framework for the establishment, operation, reorganization and dissolution of such associations. The procedure for registering a voluntary association was simple and transparent. The Act set out the applicable conditions and the list of documents required.

33. In order to protect the sovereignty, integrity and independence of the State, the Act provided for a number of restrictions on the establishment and activities of voluntary associations. For example, voluntary associations were banned from using a name that affirmed the superiority of a particular race, ethnicity, religion or social group and from using a name or branding that advocated war or extremism. The Act also stipulated that a person aged under 16 years could not become a member of a voluntary association unless his or her legal representatives had given their permission in writing. Legal persons could not be members of voluntary associations.

34. State registration could be refused if a voluntary association did not respect the registration procedure or did not comply with the law in some other way. Nothing prevented the resubmission of an application for State registration that had been refused. In addition, a refusal could be appealed through the courts. A voluntary association that did not comply with the law or with its own charter could face penalties. However, it could be dissolved only on the basis of a court decision. In 2021, a number of voluntary associations had been dissolved through the courts. The associations in question had failed to comply with the requirements set out in the Act.

35. A bill had been drafted to amend the rules governing the establishment and activities of voluntary associations and political parties. The bill had been discussed with civil society representatives, and a public consultation had taken place.

36. **Mr. Shcharbinski** (Belarus), speaking via video link, said that statistical data on the spread of the COVID-19 pandemic were regularly published on the website of the Ministry of Health. Since the beginning of the pandemic, there had been approximately 839,000 confirmed cases in Belarus. In addition, 6,265 deaths had been directly attributed to the disease. Various measures had been taken to reduce the number of non-urgent inpatient appointments. For example, electronic prescriptions had been used, remote consultations had been organized, and mobile medical teams had been formed. As the pandemic had evolved, clinical protocols had been repeatedly updated. The Ministry of Health had worked with the Ministry of Foreign Affairs and the embassies and consulates of foreign States to secure the timely delivery of necessary medicines. The Belarusian vaccine against COVID-19 had passed the laboratory stage.

37. **Ms. Velichko** (Belarus), speaking via video link, said that the Committee's comments regarding sanctions were surprising. In the context of an impartial dialogue, it should be recalled that the Human Rights Council had expressed concern at the negative impact of unilateral coercive measures on the enjoyment of human rights.

38. Some of the Committee's questions were not relevant to the implementation of the Covenant. Belarus was a party to the International Covenant on Civil and Political Rights and the Optional Protocol thereto. The Government regularly corresponded with the Human Rights Committee regarding communications submitted by individuals. It would be preferable if such questions were not raised as part of a dialogue on the implementation of the International Covenant on Economic, Social and Cultural Rights.

39. **Ms. Shin** said that she would be grateful for further information on the State party's plans to establish a national human rights institution and to adopt comprehensive anti-discrimination legislation. With regard to the COVID-19 pandemic, she wished to draw attention to the Committee's statements on the COVID-19 pandemic and economic, social and cultural rights ([E/C.12/2020/1](#)), universal and equitable access to vaccines for COVID-19 ([E/C.12/2020/2](#)) and universal affordable vaccination against COVID-19, international cooperation and intellectual property ([E/C.12/2021/1](#)). Lastly, she recalled that the State party was required to fulfil its obligations under the Covenant regardless of any sanctions imposed on it.

40. **Mr. Hennebel** said that he would appreciate further information on the efforts made to combat discrimination against women and vulnerable groups, in particular persons with disabilities, linguistic and religious minorities, LGBTQI persons and persons living with HIV, which remained a problem according to a recent report by the Special Rapporteur on the situation of human rights in Belarus. Further information on domestic violence was also needed. In particular, he wished to know what steps had been taken to ensure that effective legal mechanisms were in place to provide reparation to victims of domestic violence and punish perpetrators; what measures had been adopted to protect lawyers who defended victims of violence; and whether the State party planned to implement or had already implemented policies to raise awareness of the rights of victims of domestic violence and the legal remedies available to them. Lastly, the delegation had mentioned various legislative and institutional initiatives, but it would be useful to receive more specific information on how effective they had been in practice.

41. **Mr. Windfuhr** (Country Task Force) said he would welcome figures that would shed light on recent trends in the dissolution of voluntary associations or NGOs by the authorities. He wondered why so many NGOs, including some representing persons with disabilities, fell foul of regulations prohibiting extremist activities. Why was the interpretation of what constituted extremism so broad in Belarus?

42. **The Chair**, speaking in his capacity as a member of the Committee, said that under article 17 (2) of the Covenant, States could indicate in their reports factors and difficulties affecting the degree of fulfilment of their obligations.

43. **Ms. Velichko** (Belarus) said that if the constitutional amendments on which a referendum was going to be held later in the month were approved, it would be possible for Belarus to establish a national human rights institution. NGOs were part of the economic, social and cultural fabric of the country, but responsibility for implementation of the Covenant lay with the Government, not with NGOs. The status of NGOs in Belarus had no impact on the Government's efforts to fulfil its obligations under the Covenant, and it was thus a mistake for the Committee to focus so closely on them.

44. All NGOs that had been dissolved had been dissolved in accordance with the law. Grounds for dissolution included not only extremist activities but also violation of financial regulations. New NGOs were still being created. In the first semester of 2020, for example, 25 had registered with the authorities.

45. **Ms. Belash** (Belarus), speaking via video link, said that victims of violence, including female victims of domestic violence, could apply to the courts for the award of damages. Legal amendments designed to strengthen efforts to combat domestic violence had been adopted very recently, and a large-scale campaign had been launched to ensure that victims of domestic violence were aware of their rights and knew where to turn to for shelter and protection. Information about where to get help was widely available on official and other websites, as well as in other media. There were many reported cases of domestic violence at least in part because victims knew where to report such violence and were willing to do so.

46. The measures taken to support victims included the removal of perpetrators from the family home, the opening of shelters that offered refuge, including hygiene facilities, around the clock, and the establishment of crisis lines. Victim support was provided not only by the social protection services but also by the education and health authorities.

47. **Mr. Shcharbinski** (Belarus) said that Belarus was cooperating with the World Health Organization (WHO) and other institutions in its efforts to combat the pandemic. The WHO Regional Director for Europe, for example, had made two recent visits to the country. Discussions with him had focused on the prevention and treatment of COVID-19, as well as on vaccination.

48. Approximately 60 per cent of the population was fully vaccinated with two doses of vaccine, although vaccination rates were higher, above 80 per cent, for some groups of people, including students in institutions of permanent residence for persons with disabilities (boarding schools) and people living in other institutions. Vaccinating health workers was also a priority. Steps were currently being taken to launch a campaign for the administration of booster doses. Everyone who wanted to be vaccinated could be.

49. **Mr. Tamilchyk** (Belarus), speaking via video link, said that under the Constitution all young people had equal educational opportunities. Support for talented young people, including prospective entrepreneurs, was provided within the framework of State youth policy. Women constituted the majority of students at State-run higher education institutions in Belarus. Such institutions were required to consider applications from all qualified applicants, regardless of their gender.

50. The people of Belarus also had equal access, in accordance with their skills and qualifications, to the labour market. Discrimination was prohibited under the Labour Code.

51. **Ms. Vasilevskaya** (Belarus), speaking via video link, said that the principle of equality was enshrined in the Constitution and that, according to recent research, Belarusian law, which did not discriminate against anyone on any of the grounds on which discrimination was prohibited, was neutral. In recent years, a number of laws had been amended to prohibit discrimination on particular grounds.

52. Incitement to religious or ethnic hatred was punishable under the Criminal Code, and discriminatory motives for the commission of a crime could be considered aggravating circumstances. Administrative penalties were imposed for non-criminal acts of discrimination, including in the labour market.

53. **Mr. Windfuhr** said that he wished to know what steps the State party had taken to abolish all forms of punishment in what were referred to as labour treatment facilities and how many people were currently held in such facilities. In that connection, he wondered

whether forced labour was widespread in the State party and, if so, whether plans had been made to undertake a comprehensive review of all practices involving non-voluntary work and to reconsider the practice or to amend the laws, such as Act No. 104-3 of 4 January 2010, that made it possible. He wished to know whether the State party used labour inspections to identify non-voluntary work in boarding schools and other settings.

54. He also wondered to what extent voicing support for or attending the protests that had begun after August 2020 interfered with people's right to work. In addition, he would welcome disaggregated statistics on the de facto unemployment rate in 2022.

55. He asked what plans the State party had made to ensure that workers, health-care workers in particular, had the resources and equipment they needed to protect themselves as they did their jobs. He also asked whether plans had been made to increase support for workers who, as a result of COVID-19 infections, were forced into quarantine or had to take leave and could not work remotely.

56. It would be interesting to know what the current gender wage gap was, in particular as the law requiring equal pay for equal work was reportedly not enforced. It would also be interesting to know what steps were being taken to protect pregnant workers from unfair dismissal and to do away with the many other discriminatory hurdles – the perception that they were better caregivers than men, for example, or their perceived unsuitability for certain kinds of work – that women were forced to overcome in order to participate in the labour market on an equal footing with men.

57. In addition, he asked what plans had been made, including as part of pending legislation, to include people with disabilities more fully in the formal labour market and to tackle structural discriminatory practices. He would appreciate receiving updated disaggregated data on the numbers of people with disabilities being integrated in the workplace. He wished to know what forms of discrimination qualified Roma jobseekers encountered as they looked for work, and what steps the State was taking to ensure that members of the legal professions, lawyers in particular, were protected from arbitrary revocation of their licences to practise law. Lastly, he would welcome a comment from the delegation on the situation, reportedly dire, of independent trade unions in Belarus.

The meeting rose at 11.20 a.m.