



International Convention on the Elimination of All Forms of Racial Discrimination

Committee on the Elimination of Racial Discrimination

Reports submitted by States parties under article 9 of the Convention

Eighteenth and nineteenth periodic reports of States parties due in 2008

Belarus*, **

[3 August 2012]

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I. Introduction

1. The Republic of Belarus hereby submits its combined eighteenth and nineteenth periodic reports in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. The document was prepared in accordance with the guidelines on the form and content of the report to be submitted by States parties on the fulfilment of their obligations under the Convention (CERD/C/2007/1).

3. General information about Belarus, the framework for protection and promotion of human rights in the country, non-discrimination and equality and effective legal remedies is contained in the common core document (HRI/CORE/BLR/2011).

4. The present document contains information on the legislative and practical measures adopted by Belarus during the reporting period and on the protection and promotion of the human rights of members of all the ethnic groups residing in its territory, as well as comments on the concluding observations made by the Committee in 2004, following its consideration of the fifteenth to seventeenth combined periodic reports of Belarus (CERD/C/65/CO/2).

5. The grounds for ethnic, racial, religious or political discrimination in Belarus are non-existent. The report contains up-to-date information on the preventive measures adopted by the Government in respect of manifestations of racism, racial discrimination and other forms of intolerance.

6. In order to avoid duplication of information, the latest data on the enjoyment of certain rights are set out in the parts of the report on respect for specific human rights. Detailed information may be found in the following reports recently submitted by Belarus: the common core document; the fifth and sixth periodic reports on implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BLR/4-6); the fourth periodic report on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/BLR/4); the seventh periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/BLR/7); and the third and fourth periodic reports on implementation of the Convention on the Rights of the Child (CRC/C/BLR/3-4).

7. The report was prepared by the Ministry of Foreign Affairs on the basis of submissions from the Office of the Commissioner for Religious and Ethnic Affairs, the Ministry of Labour and Social Protection and the Ministries of the Interior, Education, Justice and Information, the National Statistical Committee, the Office of the Procurator-General and the Supreme Court.

II. Information on implementation of the Convention

Article 1 Legislation on prevention of discrimination

8. One of the most significant achievements in Belarus is the contribution of the Government's ethnic policy to maintaining stable inter-ethnic relations and fostering cultural dialogue; these achievements must be not only sustained but also enhanced, both in separate regions of the country and nationwide.

9. According to the Constitution (art. 22), all are equal before the law and have the right, without discrimination, to equal protection of their rights and legal interests.

10. This right is accorded to all citizens, irrespective of their origin, racial, ethnic or civil affiliation, social status, means, gender, language, education, attitude towards religion, place of residence, state of health or other circumstances.

11. The principle of equality of citizens before the law and the prohibition of discrimination are set out in the legislation that regulates the enjoyment of rights and fundamental freedoms in the political, economic, social, cultural and other areas of public life: the Labour Code, the Marriage and Family Code, the Education Code, the Civil Code, the Criminal Code and legislative acts on such subjects as the rights of the child, the State's youth policy, relations between citizens and legal entities, domestic and foreign policy, administrative procedures and the civil service.

12. Under the Ethnic Minorities Act, citizens of Belarus who belong to ethnic minorities are entitled to enjoy political, economic and social rights and freedoms on an equal basis, including:

The right to State aid in the expression of national culture and educational activities;

The right to use one's native language, to choose the language of communication and freely to choose the language of education and instruction;

The right to set up media outlets and publishing houses and to receive, store and disseminate information in one's native language;

The right to establish cultural links with people of the same ethnic origin living outside Belarus;

The right to profess any religion or none at all and to take part in acts of worship, rituals and rites in one's native language;

The right to conserve one's historical, cultural and spiritual heritage and to free cultural expression, including through the arts, on a professional or amateur basis;

The right to set up voluntary associations and to join existing ones;

The right to vote freely and to be elected to governmental institutions on the basis of universal, equal and direct suffrage or voting by secret ballot;

The right of equal access to all positions in all governmental institutions.

13. Advisory bodies consisting of representatives of ethnic minorities may be established within councils of deputies and operate at the community level. The procedure for setting up these bodies is determined by the councils of deputies concerned. The Local Government and Self-Government Act provides for the option of local self-government, thus facilitating the preservation of cultural values, national rituals and traditions and creative self-expression in the arts and sciences on the part of ethnic minorities.

14. Through the procedures laid down in domestic legislation, the Government provides opportunities for the education and cultural expression of national minorities by earmarking funding from national and local budgets for this purpose.

15. For the purposes of preventing discrimination in all its forms, the Counteracting Extremism Act gives a definition of extremism and prohibits any involvement of political parties, other voluntary associations and religious and other organizations, as well as citizens of Belarus, foreigners and stateless persons, in planning, organizing, preparing or carrying out acts aimed, among other things, at inciting racial, ethnic or religious hostility or strife; fomenting social discord through violence or calls to violence; disparaging national honour and dignity; or planning and carrying out mass disturbances or acts of hooliganism and vandalism fuelled by racial, ethnic or religious

hatred or hostility or political or ideological hostility or by hatred or hostility towards a given social group. Also prohibited are proclaiming the exclusiveness, superiority or inferiority of citizens based on their religious affiliation or social, racial, ethnic, religious or linguistic group and publicizing and publicly displaying, making and disseminating Nazi symbols or paraphernalia.

16. The establishment and operation of political parties, voluntary associations and unions for the purpose of advocating war or extremist activity is prohibited by article 7 of the Political Parties Act and article 7 of the Voluntary Associations Act.

17. The Mass Media Act guarantees to citizens of Belarus respect for human rights and freedoms on the part of the media (art. 4) and prohibits the dissemination of any information aimed at war propaganda or incitement to violence, cruelty or extremist activity or containing calls for such activity (art. 38).

18. Under article 31 of the Constitution, everyone has the right independently to determine his or her attitude to religion, to profess any religion individually or together with others or to profess none at all, to express and disseminate beliefs related to his or her attitude to religion and to take part in acts of worship and rituals and rites not prohibited by law.

19. According to article 5 of the Freedom of Conscience and Religious Organizations Act, no one is obliged to proclaim his or her religious affiliation and no one, in announcing such an affiliation, may be subjected to any pressure whatsoever to profess a given faith.

20. Article 7 of the same text stipulates that citizens are equal before the law, irrespective of their attitude to religion. A citizen's religious affiliation is not indicated in official documents, except where such is his or her wish. In accordance with article 4 of the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, foreigners and stateless persons enjoy rights and freedoms and fulfil obligations in the territory of Belarus on the same basis as citizens of Belarus, save where otherwise stipulated by the Constitution, the Act itself, other legislative acts or the international agreements entered into by Belarus. Should an alien or stateless person be in the territory of Belarus owing to fear of discrimination, he or she is entitled to refugee status (Act on the Granting of Refugee Status and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus). According to the International Labour Migration Act, discrimination against migrant workers on the basis of gender, race, ethnic origin, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, financial or professional status, age, place of residence or physical or mental disabilities is prohibited.

Article 2 Fulfilling the obligation to eliminate all forms of racial discrimination and related intolerance

21. The Republic of Belarus consistently applies the principles of its democratic domestic policy aimed at the expression of the culture, language and traditions of all ethnic communities; full equality of and respect for the rights and interests of their members; and State support in the realization of these rights and the prevention of any manifestation of racism, racial discrimination, xenophobia and related intolerance.

22. All are equal before the law and everyone has the right to equal protection, without discrimination, of his or her rights and legitimate interests. No one may enjoy advantages and privileges that compromise the interests of others. Everyone is entitled to freedom of association and to preserve his or her ethnic affiliation, and equally, no one may be compelled to define or indicate his or her ethnic affiliation. Insults to ethnic dignity are subject to prosecution under the law. Everyone has the right to use his or her native language and to communication, education or instruction in the language of choice.

23. Domestic legislation provides for the equality of members of ethnic communities without distinction as to the length of time they have been in the country. The rights of members of the Belarusian, Russian, Ukrainian, Polish, Tatar, Roma and other peoples who have been living in Belarus for many centuries are no different from those of recent immigrants.

24. The ethnic affiliation of a citizen of Belarus is not specified in any way, directly or indirectly, in any document. However, ethnic origin may be noted in a citizen's passport at his or her own request. The rules on identity documents were approved in Presidential Decree No. 294, of 3 June 2008, on documentation concerning the population of Belarus.

25. There are over 140 ethnic groups living in Belarus. According to the 2009 census, 83.7 per cent of the country's inhabitants are Belarusians, with the remaining 13.9 per cent from several other nationalities and groups, including Russians (8.3 per cent), Poles (3.1 per cent), Ukrainians (1.7 per cent) and Jews (0.1 per cent); 2.4 per cent of the population declined to indicate an ethnic affiliation. Members of other ethnic groups number about 70,000, of which 7,079 are "Gypsies".

26. There are 112 voluntary associations registered in the country, their members representing 26 ethnic groups.

27. All these structures have engaged extensively in statutory activities in the spheres of culture, education, dissemination of information and charitable work. Irrespective of the quantity and ethnic origin of their members, they all receive, on an equal basis, the continual support of the Government in financial, legal, organizational and methodological matters.

28. In Belarus, work with ethnic and religious communities is coordinated by the Office of the Commissioner for Religious and Ethnic Affairs, which maintains a database on the associations of ethnic groups working in the various parts of the country.

29. The Office oversees compliance with the legislation for the protection of the human rights of members of ethnic groups; in cooperation with government institutions and other bodies, it combats infringement of the legislation and promotes inter-ethnic and interfaith dialogue and the consolidation of cultural diversity.

30. The Inter-Ethnic Advisory Council has been a part of the Office since 2004. It currently comprises 25 members representing ethnic communities duly registered in conformity with domestic legislation and unions of these communities, including the Belarusian Roma Diaspora. Voluntary associations from a given ethnic community put forward a representative for membership in the Council,

with a mandate to represent therein the interests of the association or of several associations.

31. The Council works with the Commissioner for Religious and Ethnic Affairs in the areas of its competence, drafts proposals for the improvement of relations among voluntary associations affiliated with ethnic minorities and coordinates the activities of associations whose representatives sit on the Council.

32. The Council's main tasks are to contribute to the preservation and consolidation of inter-ethnic concord in Belarus; to facilitate the integration of citizens from various ethnic groups in Belarusian society; to foster in society the realization that all ethnic communities are an integral part of the Republic's people; to promote knowledge of the ethnic and cultural diversity of Belarusian society and its centuries-old traditions of peaceful coexistence among various ethnic groups; to lay the necessary groundwork so that members of various ethnic groups may exercise their right to renew their own values and to carry out statutory activities in education, culture, the dissemination of information and other fields; to assist in cultural exchanges between members of various ethnic groups and their associations and in the development of relations with the countries of origin of these groups; to help build a strong culture of inter-ethnic relations; and to help foster in society an aversion to intolerance, offensive behaviour and discrimination on ethnic grounds.

33. The Council takes part in the allocation of funds for promoting the development of ethnic and cultural associations in Belarus.

34. The regional executive committees and the Minsk municipal executive committee have departments for religious and ethnic affairs that implement State policy on ethnic and religious groups at the local level and monitor compliance on the ground with the relevant legislation.

35. During the visits to regions undertaken by the Commissioner for Religious and Ethnic Affairs and his deputies, the staff of his Office explain to citizens the contents of the legislation, including the portions on protection from discrimination, and consultations are held on all matters that are raised.

36. Based on the compilation and analysis of experience gained by the Office, by the Minsk municipal and regional executive committees and by the local executive and administrative bodies, new approaches to working with ethnic communities and supporting their statutory activities are sought.

37. A programme for improvements in religious affairs, inter-ethnic relations and cooperation with members of ethnic groups living abroad, 2006–2010, has been drawn up.

38. Drawing on the results of the above programme's implementation, a new programme for 2011 to 2015 is being carried out.

39. The programme for enhancement of ethnic relations, 2011–2015, is primarily aimed at making additional improvements to the interaction of governmental institutions with the associations of ethnic groups, at providing support for inter-ethnic harmony and understanding and at helping citizens to realize their right to cultural expression and a sense of ethnic identity.

40. The programme's implementation will facilitate the consolidation of inter-ethnic and civic unity and concord, the preservation and development of ethnic culture and the languages of ethnic communities in Belarus, the realization of the constitutional rights of citizens, the timely solution of potential ethnic conflicts and the conservation of the sovereignty and territorial integrity of Belarus.

Article 3 Condemning racial segregation and apartheid

41. Racial segregation and apartheid do not exist in Belarus. The Government condemns any practices, policies and ideologies that lead to racial discrimination or similar intolerance. Belarus's domestic and foreign policy lines are structured on the basis of international norms, including the condemnation of apartheid and racial segregation.

42. Belarus always sponsors the resolutions of the General Assembly and its Third Committee on prevention of racism, racial discrimination and related intolerance, such as those entitled "Human rights and cultural diversity", "Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace", "Combating defamation of religions" and "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance". In addition, Belarus is a member of the Group of Friends of the Alliance of Civilizations.

43. In 2009, Belarus participated actively in the Durban Review Conference, including by making proposals that were included in its outcome document. In 2011, in New York, a Belarusian delegation attended the High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action.

Article 4 Legislative, judicial, administrative or other measures to eradicate incitement to or acts of racial discrimination

44. Responsibility is incurred under the legislation of Belarus for any acts entailing discrimination on ethnic grounds, the creation of obstacles to the enjoyment of the lawful rights of ethnic minorities and incitement to inter-ethnic or other enmity.

45. The Code of Administrative Offences and the Criminal Code provide for responsibility for a number of acts when committed on grounds of racial, ethnic or religious hatred or enmity.

46. Under article 9.22 of the Code of Administrative Offences, liability is incurred for public insult to or defamation of the Belarusian and other national languages, the creation of obstacles to or restriction of their use and advocacy of hostility on linguistic grounds.

47. In accordance with article 7.3, paragraph 1 (6), of the same Code, the commission of an administrative offence on grounds of racial, ethnic or religious hatred is a circumstance aggravating liability; this is likewise true under the criminal legislation (article 64, paragraph 1 (9), of the Criminal Code).

48. Under the Criminal Code, criminal responsibility is incurred for infringing the constitutional rights and freedoms of the person, including the equality of persons (art. 190). The same provision establishes responsibility for the direct or indirect breach or limitation of rights and freedoms or the creation of any direct or indirect advantages among citizens on the basis of gender, race, ethnic or linguistic group, origin, financial or professional status, place of residence, attitude to religion or beliefs or affiliation with an association that has severely infringed the rights, freedoms and lawful interests of citizens.

49. Responsibility is also incurred under the Criminal Code for incitement to racial, ethnic or religious hostility or discord (art. 130) as well as for a number of offences when committed on grounds of racial, ethnic or religious hostility or discord, political or ideological hostility or hatred or enmity toward a given social group, for example, genocide (art. 127), crimes against humanity (art. 128), murder (art. 139, para. 2 (14)) and intentional infliction of serious bodily injury (art. 147, para. 2 (8)).

50. Thus, the responsibility incurred under contemporary domestic legislation for any manifestation of racial discrimination has an effective inhibitory and preventive influence in respect of potential acts of racial discrimination or incitement to such acts.

51. The Code of Administrative Offences likewise contains provisions prohibiting racial discrimination.

52. The principle of equality before the law of all foreign nationals and stateless persons is enshrined in article 8 of the Code of Criminal Sentence Administration, while freedom of conscience is guaranteed to persons convicted of offences under article 12. There have been no cases when administrative liability was incurred for the offences cited in article 9.22 of the Code of Administrative Offences.

53. According to official figures, from 2002 to 2010, convictions under the Criminal Code for offences committed on racial grounds numbered:

Four in 2003 (art. 130.3);

Two in 2006 (art. 193.1);

Two (art. 193.1), two (art. 139.2, para. 14) and one (art. 147.3) in 2007;

One (art. 130.2) in 2008; and

One (art. 130.1) in 2009.

54. Under article 130.1 of the Criminal Code (Deliberate acts aimed at inciting racial, ethnic or religious hostility or discord and degradation of national honour and dignity), one person was convicted and fined; under article 130.2 (Deliberate acts aimed at inciting racial, ethnic or religious hostility or discord and degradation of national honour and dignity accompanied by violence or carried out by officials using their official powers), one person was convicted and sentenced to deprivation of liberty for 3 years; under article 130.3 (Acts referred to in article 130.1 and 2, when carried out by a group of individuals or, through criminal negligence, involving the death of a person or other serious consequences), four persons were convicted; two were sentenced to deprivation of liberty for 5 years, the other two, for 8 years.

55. Efforts are continually being made in Belarus to prevent manifestations of racism and xenophobia and steps are taken to avert inter-ethnic and interreligious conflict.

56. For example, in April 2004, as part of the measures being undertaken to defuse ethnic conflicts, an attempt in Homiel to disseminate a pamphlet entitled "*Rus' pravoslavnyaya*" was thwarted: 5,000 copies of the pamphlet were confiscated and destroyed. In May 2004 and January 2005, a leader and activist of an unregistered local association called Russian National Unity incurred administrative liability for the dissemination of documents printed in violation of the established procedures and without printing authorization numbers. These preventive measures used against members of this association significantly reduced their activism.

57. In 2006, a communication was addressed to the Office of the Procurator-General by the leader of the Muslim religious community in Belarus stating that the unofficial newspaper *Zhoda* had published seven caricatures of the Prophet Muhammad, Allah and other religious figures as illustrations to an article entitled "Politically Creative". According to the representative of the Muslim religion, the caricatures were an insult to the faithful and discredited the faith. Following the consideration of this communication, the actions of the editorial staff of the newspaper *Zhoda* were deemed to constitute an offence under article 130 of the Criminal Code, and a criminal case was accordingly opened.

58. From 2008 to 2009, investigations were carried out about reports that the sales outlets of the privately owned company "Christian initiative" were disseminating printed materials inciting ethnic and religious hatred and insulting the honour and dignity of members of the Jewish community (books entitled "The dirty war", "Judging Russia's killers", "Are we Christians or Jews?", "Jews and non-Jews: on zionism", "The Jewish revolution").

59. The printed materials were analysed for evidence of incitement to ethnic and religious hatred and were found to contain pronouncements designed to create an aversion to Judaism among Russian Orthodox Christians.

60. In December 2008, the Sovetsky district court in Minsk declared the above-mentioned works to be extremist literature. In 2009, in accordance with the Counteracting Extremism Act, all copies of the extremist books were confiscated, all the sales outlets of "Christian initiative" were closed and the organization itself was legally dissolved.

61. In 2008, the leader of the Homiel Jewish religious community Beit Jakov prepared and sent to the Internet sites of the foreign media an open letter explaining the actual situation in the Homiel Jewish community, providing information on the reburial of remains

that had been discovered and rebutting ideas circulated in the foreign media.

Article 5 Measures adopted in the social, economic, cultural and other fields to ensure implementation of the human rights of members of national and ethnic groups

62. The State guarantees to citizens of Belarus belonging to ethnic minorities equal political, economic and social rights and freedoms in accordance with existing domestic legislation.

63. Updated information on the implementation of some of these rights is provided below.

III. Information on particular rights

The right to freedom of thought, conscience and religion

64. State policy on interfaith and inter-ethnic relations is carried out in accordance with the Constitution, the national security concept document, the 36 international instruments on human rights and the human dimension ratified by Belarus, the Freedom of Conscience and Religious Organizations Act and the Ethnic Minorities Act. The legislation in force lays down the legal framework within which religious organizations may freely operate and evolve. The Government does not interfere in the individual's profession of a given faith. Article 4, paragraph 2, of the Constitution of Belarus states that the ideology of a political party, religious or other association or social group cannot be imposed on a citizen. The right to freedom of religion is set out in article 31 of the Constitution.

65. There are currently 3,374 religious organizations from 26 faiths and religious denominations, including 3,210 religious communities and 164 societies for spiritual worship, that are registered in the country.

66. The activities of religious organizations, including problematic issues and interaction with the Government on ethnic matters, are coordinated by the Inter-Ethnic Advisory Council, part of the Office of the Commissioner for Religious and Ethnic Affairs. The Act on the Framework for Domestic and Foreign Policy, adopted on 14 November 2005, states that counteracting the adverse influence of religious organizations and missionaries whose activities represent a threat to public safety or the physical and psychological well-being of the population or have an antisocial or otherwise unlawful intent is one of the main lines of domestic policy in terms of control of crime and other unlawful activity jeopardizing national security.

67. The Belarusian Orthodox Church cooperates with other faiths and religious denominations in addressing important social issues. A Council on Morality, comprising exponents of the traditional faiths of Belarus, has been functioning since 2009 under the auspices of the Belarusian Exarchate.

68. In September 2010, the fifth International Eastern European Symposium of New Testament Scholars, in which theologians and members of the clergy from Belarus and a number of other countries took part, was held in Minsk.

69. The year 2011 saw the convening in Belarus of a seventh international conference on the topic "Orthodox-Catholic Dialogue: Christian Ethics as a Contribution to Social Integration in Europe", during which a cathedral service for practitioners of the two faiths was held.

70. Belarus has also participated in three-way discussions on interfaith cooperation for peace and development and in discussions on interfaith dialogue and cooperation for peace.

71. Mention should be made of the extensive support given to religious organizations through legislative initiatives: all religious organizations are exempt from land tax and tax on immovable property. In 2010, by decision of the President of Belarus, religious and cultural organizations that rent government property for their religious and statutory activities were granted a reduction coefficient of 0.1 in calculating their rents.

72. State funding has been provided for the restoration of historical and cultural monuments, including the Zhiroviski Assumption Monastery and the Minsk Theological Academy and Seminary, the Cathedral of the Resurrection in Borisov, the Monastery of the Assumption in Mstsislaw district, the Church of St. Nicholas the Miracle Worker in Dzerzhinsk district, the former Jesuit college in Kalinkovichi district, the Corpus Christi church in the town of Nesvishe and the Assumption of the Holy Virgin church in Myadelski district. Funding has also been provided for the construction of the Minsk Spiritual Educational Centre.

73. The national authorities and local executive and administrative bodies provide assistance for the spiritual education programme entitled "The family – unity – homeland", the yearly International Christian Music Festival *Mahutny boža* in which creative artists from various faiths take part, and the annual International Catholic Festival of Christian films and television programmes entitled "Magnificat".

The right to freedom of opinion and free expression

74. In accordance with the Languages Act, the mass media may use the language of any ethnic group whose members live in Belarus. The main pieces of legislation regulating the information and information technology spheres are the Mass Media Act of 17 July 2008 and the Information Technology and Privacy Act of 10 November 2008.

75. Voluntary associations may set up their own publishing houses with government assistance: the newspaper *Glos znad Niemna*. *Hlos znad Nemna*, for example, is published in Polish; Armenian, Azeri, Jewish and Gypsy publications are issued in the Russian and Belarusian languages.

76. The realization of this right is hindered by the fact that in most cases, members of ethnic minorities do not speak their native

(ethnic) language. The language of everyday discourse is Russian or Belarusian.

The right to freedom of peaceful assembly and association

77. The Government of Belarus has a democratic policy, consistently implemented, on the free expression of the cultures, languages and traditions of ethnic communities, full equality of and respect for the rights and interests of their members and government support in the enjoyment of these rights and in the prevention of any manifestations of discrimination on ethnic grounds. According to articles 35 and 36 of the Constitution, among the basic constitutional human rights of citizens are the right to assemble, to hold meetings, marches and demonstrations and to picket. The principal legislative acts that lay down the procedures for fulfilling this constitutional right are the Political Parties Act of 5 October 1994, the Voluntary Associations Act of 4 October 1994 and the Public Events Act of 30 December 1997.

78. There are 112 voluntary associations registered in the country, their members representing 26 ethnic groups.

79. There are voluntary associations for ethnic minorities whose members are Russian, Ukrainian, Moldovan, Roma, Lithuanian, Greek, Jewish, Polish, Tatar, Kazakh, Tatar-Bashkir, Dagestani, Azeri and from other ethnic groups.

80. These associations pursue the goals of reviving cultural heritage, preserving and building up national traditions and customs, studying and disseminating languages, traditions, history and unique cultural features, promoting mutually enriching exchanges among cultural groups and consolidating friendship among these groups.

81. The efforts of the associations of ethnic minorities revolve mainly around the holding of large cultural events, competitions, festivals, exhibitions, concerts, celebrations and fairs; various types of charitable work and the provision of aid; and publicity for their own activities.

82. In 2010, the website of the Ministry of Justice (www.minjust.by) added a section where voluntary associations may place information on their activities. In March 2011, for example, information was provided on a series of measures undertaken by the Keshet Project, a Jewish women's charitable organization.

83. Where necessary, the staff of registered organizations assists associations of ethnic minorities in preparing documents for submission to the State registry and with other organizational matters.

84. In October 2011, the Ministry of Justice and the Office of the Commissioner for Religious and Ethnic Affairs jointly organized a seminar for ethnic and cultural associations in which the way these associations interact with government institutions was discussed and the legal regulations on humanitarian action, landownership and migratory flows were examined.

Information on protection of the rights of non-citizens, refugees and stateless persons

85. The legal status of foreign nationals and stateless persons in Belarus is determined principally by the Constitution and the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, which set out the main lines of the Government's approach to regulation of the presence of foreigners in the territory of the Republic.

86. Article 11 of the Constitution provides that foreign nationals and stateless persons enjoy the rights and freedoms and fulfil the same obligations as citizens of Belarus, unless otherwise provided in the Constitution, the legislation and international agreements.

87. According to article 4 of the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, foreigners in the territory of Belarus enjoy the rights and freedoms and fulfil the same obligations as citizens of Belarus, in accordance with the Act itself and other legislative acts and international agreements of the Republic.

88. Foreign nationals in Belarus are equal before the law, irrespective of origin, social or property status, racial or ethnic affiliation, gender, education, language, attitude to religion, type and nature of occupation or other circumstances. In the event their travel documents are lost (stolen) while they are outside Belarusian territory, stateless persons permanently resident in Belarus, refugees, foreign nationals and stateless persons who have been granted asylum in Belarus are issued documentation for return travel to Belarus. In accordance with article 14, paragraph 1, of the International Labour Migration Act, emigrant workers who are citizens of Belarus or stateless persons permanently residing in the country are guaranteed the protection and support of Belarus in their country of destination.

89. In view of the favourable conditions created in Belarus for the residence of foreigners, the number of foreigners is on the rise.

Table No. 1

	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Number of foreign nationals	129 267	133 277	134 929	141 317
Number of stateless persons	7 818	7 799	7 688	7 397

90. A comprehensive system for the legal and social protection of asylum seekers has been established in Belarus. In 2001, Belarus ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It provides protection to asylum seekers and refugees in accordance with the Convention and with domestic legislation.

91. The Act on the Granting of Refugee Status and Subsidiary or Temporary Protection to Foreign Nationals and Stateless Persons in Belarus entered into force on 3 July 2009. According to the Act, foreigners may be accorded refugee status or subsidiary or temporary protection and are guaranteed non-refoulement to their State of citizenship or former place of residence in accordance

with the international commitments of Belarus.

92. Under domestic legislation, all foreign nationals or stateless persons applying for asylum or subsidiary protection in Belarus must be allowed access to the procedures for the consideration of their applications for protection.

93. Either immediately upon crossing the State borders of Belarus or when already in the country, any foreigner may declare his or her intention to seek protection. On the basis of its consideration of each application, the Department of Citizenship and Migration of the Ministry of Internal Affairs adopts a decision which may be appealed in the courts.

94. There are four temporary accommodation centres for refugees and individuals who are applying for refugee status or subsidiary protection in Belarus: Vitsyebsk, Homiel, Brest and Minsk National Airport. On the borders of Belarus and within the country's territorial boundaries, a system has been set up to facilitate the monitoring by international and non-governmental organizations of access by asylum seekers to institutions for the granting of refugee status.

95. Foreign nationals who have been accorded refugee status in Belarus are entitled to all the social and economic rights as well as the right to education, health care and employment opportunities that are enjoyed by foreign nationals who are permanently resident in the country. They are covered by the legislation on employment and they receive assistance in vocational training and job placement. They are also entitled to family reunification, financial assistance, residence in specially equipped facilities, advantages in registering their place of residence and judicial protection on the same basis as citizens of Belarus.

96. Foreign nationals who have been granted subsidiary protection in Belarus and foreigners applying for refugee status or for subsidiary protection have the same rights as do foreign nationals who are temporarily resident in the country. In accordance with domestic legislation, they have the same employment rights as foreigners permanently resident in Belarus. Foreign nationals in this category are covered by the legislation on employment, in particular job placement. They are also accorded the same rights to family reunification, residence in specially equipped facilities and judicial protection as citizens of Belarus.

97. Foreign nationals who cannot be expelled in view of the international obligations of Belarus have the right to temporary residence authorization in Belarus and accordingly enjoy all the same rights as do foreign nationals authorized to reside in Belarus.

98. Minors who are foreign nationals or stateless persons and have been granted or are applying for refugee status or subsidiary protection in Belarus have the right to preschool, general secondary and specialized secondary education on the same basis as Belarusian minors.

99. In the period that the legislation on forced migration has been in effect in Belarus (from 1997 to 2011), over 3,600 foreign nationals from 57 States of the world have applied to the competent bodies for refugee status.

100. As at 1 January 2012, refugee status had been granted to 838 foreign nationals from 14 States (Afghanistan, 590; Azerbaijan, 29; Ethiopia, 23; Greece, 135; India, 2; Iran, 8; Pakistan, 5; Palestine, 9; Tajikistan, 32; and Armenia, Iraq, Cameroon, Liberia and Rwanda, 1 each).

101. An important aspect of working with refugees is ensuring favourable conditions for their integration into society. The fact that Belarus has been successful in doing so is shown by the number of refugees who have been naturalized: 121 foreign nationals who were accorded refugee status have now become citizens of Belarus.

102. As at 1 January 2012, 594 refugees from 12 States were registered with the citizenship and migration institutions. A breakdown of this group by gender, age and State of citizenship is contained in an annex (Table No. 2).

103. Assistance with housing, employment, language learning and education are priorities in the successful integration of refugees and are addressed, inter alia, through international technical assistance projects.

104. As part of the international technical assistance project on the integration of refugees in Belarus, Moldova and Ukraine (phase 1), financed by the European Commission and the Office of the United Nations High Commissioner for Refugees (UNHCR), consultative centres and services on employment and job placement for refugees have been established through the committees on labour, employment and social protection of the Viciebsk and Homiel regional executive committees and the Minsk municipal executive committee.

105. In October 2010, the Belarusian Red Cross Society, in conjunction with the Belarusian Young Women's Christian Association, organized a focus group of persons who had been accorded refugee status on applying for social benefits from the Government.

106. The "Eureka" Creative Arts Centre for Children and Young People is endeavouring to organize a workshop on secondary employment opportunities for refugee adolescents, to be financed jointly by the Minsk municipal executive committee and the above-mentioned project.

107. In May 2011, the African Community, a charitable group for African refugees, opened a social enterprise at which 12 persons are now employed.

108. The Minsk municipal executive committee has allocated three apartments specifically to house persons who have been granted refugee status. The accommodations were renovated using funding from the above-mentioned project, and in July 2011, they were occupied by particularly needy refugee families.

Article 6 Access to the courts

109. All are equal before the law and have the right, without discrimination, to equal protection of their rights and lawful interests.

110. Judicial protection of human rights is the province of constitutional law, which defines the legal machinery to be used by the Government in ensuring respect for human rights and the rights of citizens.

111. Article 60 of the Constitution states that all persons are entitled to the protection of their rights and freedoms in a competent, independent and impartial court within a time frame specified by the law.

112. Judicial power in Belarus is exercised solely by the courts in the person of the judge and the lay judges called upon to administer justice in the manner and circumstances prescribed by law.

113. Judicial power is exercised in constitutional, civil, criminal, economic and administrative legal proceedings.

114. All proceedings in all courts are public. Closed hearings are only allowed in cases prescribed by law and in accordance with the rules of legal proceedings.

115. Article 62 of the Constitution states that everyone has the right to legal assistance to defend his or her rights and freedoms, including the right to make use, at any time, of the assistance of lawyers and other representatives in court and before governmental bodies, local authorities, enterprises, institutions, organizations and civil society associations and in dealings with officials and citizens.

116. In the instances specified by law, legal assistance is publicly funded.

117. Under article 20 of the Code of Criminal Procedure, all parties to criminal proceedings are equal before the law and are entitled, without discrimination, to equality in the protection of their rights and lawful interests. Criminal proceedings are grounded in the equality of citizens before the law irrespective of their origin, social, official or property status, racial or ethnic affiliation, political or other beliefs, attitude to religion, gender, education, language, type and nature of occupation, place of residence or other circumstances.

118. Belarusian legislation provides for the right of citizens to seek just and adequate reparation or satisfaction from the courts for any damage. There is also a provision in the Constitution that to defend their rights, freedoms, honour and dignity, citizens are entitled to seek through the courts, in accordance with the law, compensation for property damage and financial redress for moral injury.

119. The legislation in force provides adequate protection from all forms of racial discrimination for all persons residing in the territory of Belarus. It is noteworthy that during the reporting period, no court cases in which compensation was requested for material or moral damage in connection with acts of discrimination or xenophobia were recorded.

120. At present, 1,018 foreign nationals are detained in the correctional institutions of Belarus.

121. Evidence of the use of physical constraint, humiliation or degradation against a given category of persons, either by other detainees or by the administrative staff of the correctional facilities, is non-existent. No complaints of human rights violations on grounds of race or religious intolerance from detainees or other persons have been received by the Ministry of the Interior.

Article 7 Improving inter-ethnic relations

Education and teaching

122. The right of ethnic minorities to study their native language is guaranteed in Belarus, as is the right to study the official languages of the country, Belarusian and Russian.

123. The Ministry of Education has approved curricula that incorporate the options of studying the language and literature of ethnic minorities and of training and study in such languages.

124. The general secondary educational institutions of Belarus offer courses in the Hebrew, Polish and Lithuanian languages. Consultative committees on academic affairs for the Belarusian ethnic minorities in Poland and Lithuania and for the Polish and Lithuanian minorities in Belarus have been set up.

125. There are four general secondary educational institutions in which studies are conducted in the languages of ethnic minorities: two for Polish (in Hrodna and Vaŭkavysk) and two for Lithuanian (in Pelyaass and Rymdyiun, small towns in Hrodna province). A total of 717 students are taking courses in these languages (601 in Polish and 116 in Lithuanian).

126. In the 114 general secondary educational institutions, studies in their native languages are organized for members of ethnic minorities in a number of ways — as an academic subject, supplementary studies or language circles — for about 4,780 students, of whom 4,327 study Polish, 344, Hebrew and 116, Lithuanian.

127. Groups of about 40 children study Polish, Lithuanian, Ukrainian and Hebrew in preschool institutions, and 26 language circles are attended by 93 children.

128. The educational divisions and departments of the regional executive committees and of the Minsk municipal executive committee provide the necessary support to the general secondary educational institutions which offer courses in or on ethnic minority languages. Comprehensive assessments are carried out in these institutions to address the state of instruction in ethnic minority languages; the conduct of final examinations held following the second and third levels of the secondary educational cycle in schools that provide instruction in Polish and Lithuanian is monitored.

129. The higher educational institutions that train teachers of Polish, Ukrainian and Lithuanian are both publicly and privately funded. For example, the Minsk State Linguistic University trains teachers of Polish, Ukrainian and Lithuanian; the Belarusian State University

trains teachers of Polish and Ukrainian; the Maxim Tank Belarusian State Pedagogical University trains teachers of Polish and Lithuanian; and the Yanka Kupala State University of Hrodna and Brest State University train teachers of Polish.

130. From 2010 to 2011, the National Education Institute, a theoretical research branch of Belarus's Ministry of Education, carried out a project with the United Nations Educational, Scientific and Cultural Organization (UNESCO) entitled "Theory and practice of intercultural relations in the general secondary school system of the Republic of Belarus: Trends, challenges and perspectives". On 4 November 2011, as part of the project, an international conference on intercultural relations in the contemporary educational milieu, trends, challenges and perspectives, was held. The project resulted in the following publications:

Proceedings of the international conference on intercultural relations in the contemporary educational milieu, trends, challenges and perspectives. A.S. Laptенок, A.A. Pavil'ch, eds., Minsk, NIO, 2012, 274 pp.;

Handbook for teachers in general and supplementary educational institutions for children and young adults, recommended by the National Education Institute's Academic Council. By A.S. Laptенок. Preparing students for life in a multicultural society, by A.S. Laptенок, E.I. Lugovtsova and A.A. Pavil'ch. Minsk, NIO, 2012, 20 pp.

131. In early 2008, the Internet site of the Office of the Commissioner for Religious and Ethnic Affairs, "Welcome to Belarus!" (www.belarus21.by), was updated and now contains general information about the ethnic communities and religions of Belarus, the institutions dealing with religious and ethnic affairs, labour, legislation and other relevant news.

132. Informational materials are also published: "*Abarona pravoŭ asob, jakija naležać da nacyjanalnych supólnasciej Respubliki Belarus*", "Freedom of conscience and religious organizations in Belarus", "*Belarus śmatnacyjanalnaja*", booklets entitled "*Sonečny ptach*", "*Narodnyja hulni, karahody, tancy*" and other methodological materials.

133. Scientific conferences are devoted to the history of the ethnic groups living in Belarus, and the papers submitted to them are subsequently published: for example, "*Šliach da ŭzaemnasci*", "Belarusian-Ukrainian relations from antiquity to the present", "Social and religious experiences of ethnic groups in contemporary society". Books are published on Koreans, Armenians, Chuvashi, Tatars, Azeris, Poles, Latvians and Jews in Belarus.

134. The Office of the Commissioner for Religious and Ethnic Affairs has published a short guide in Belarusian, Russian and English, entitled "Multi-ethnic Belarus", which recounts the histories of the ethnic groups whose members currently live in Belarus.

Culture

135. The Constitution proclaims the right of all citizens to participate in cultural life and makes the Government responsible for preserving the country's historical, cultural and spiritual heritage and ensuring the free cultural expression of all the ethnic communities living in Belarus (art. 51). Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

136. In accordance with the Ethnic Minorities Act, the State ensures that citizens of Belarus who belong to ethnic minorities have the right to State funding for ethnic cultural and educational activities. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

137. Under the Culture Act (art. 19), members of any national or ethnic group who are resident in Belarus are guaranteed the right to cultural and linguistic conservation and expression and to set up voluntary organizations for such purposes. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

138. The National Centre for Ethnic Cultures, a government institution, helps to set up the framework for the realization in practice of the cultural rights of members of the nearly 130 ethnic groups residing in Belarus. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

139. The National Centre for Ethnic Cultures provides constant support through informational, methodological and advisory efforts to ethnic communities in Belarus in their cultural development work; coordinates efforts to upgrade the methods used by cultural and artistic institutions in reviving, conserving and developing the cultures of ethnic minorities in Belarus; facilitates the establishment of creative links and the organization of joint activities with the research institutions dealing with the cultural heritage, ethnography and folklore of ethnic groups in Belarus; and, together with ethnic cultural outreach institutions, provides organizational, financial and technical support and openings for individual and collective creative expression and leisure activities of members of various ethnic groups. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

140. The Centre's main modes of operation are symposia and seminars for ethnic cultural associations on issues of cultural expression; interaction with ethnic cultural associations; and celebrations, concerts and festivals. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

141. The Council of the National Centre for Ethnic Cultures has been set up as its public advisory body. Its members are representatives of registered ethnic cultural institutions. The Council makes planning recommendations on the work of the National Centre and the holding of international cultural events. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

142. The National Centre is State-funded. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

143. Members of ethnic cultural associations participate actively in State holidays and social events at the national and local levels, hold ethnic culture days, celebrate the holidays and commemorate the writers, public figures and artists of their ethnic groups who have made worthy contributions to world culture and cooperate with libraries in building up holdings of the literature of ethnic groups and carrying out ethnic cultural activities. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

144. An extremely popular event that brings together all the peoples of Belarus, the National Festival of Ethnic Culture, is held every two years in Hrodna, in the interests of supporting ethnic cultural diversity. In terms of its format, the Festival has no equal anywhere in the world. For children, there is the “*Sonečny ptach*” ethnic cultural festival. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

145. In addition to the nationwide festivals, regional and municipal ethnic cultural festivals are regularly organized by the ethnic communities that are represented on local executive committees. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

146. Since 2010, in the interests of fostering tolerance, a cultural project for young people, “The ways of Mnemosyne”, has been held with the participation of the Belarusian Association of UNESCO Clubs. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

147. For the purpose of popularizing cultural diversity, the Commissioner for Religious and Ethnic Affairs has established a special prize on cultural diversity and inter-ethnic dialogue for participants in the national tourism competition entitled “Getting to know Belarus”. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

148. Ethnic and cultural associations, with the support of the Government, are contributing significantly to the development of traditions of good neighbourliness, mutual respect and cultural dialogue among citizens from various ethnic groups. Foreign nationals and stateless persons in Belarus have the right to conserve and use their native language and to observe their cultural traditions and rituals in accordance with the legislation of Belarus (article 15 of the Act of 4 January 2010 on the Legal Status of Foreign Nationals and Stateless Persons in Belarus).

Information

149. The mass media in Belarus are stepping up their reporting in the area of tolerance and support for various cultures, traditions and religions as a means of stabilizing relations between national and ethnic groups.

150. In the leading State and national news media, such as *Sovetskaya Belorussiya*, *Respublika*, *Zvjazda* and *Narodnaya gazeta*, a variety of opinion columns have included content aimed at fostering a culture of inter-ethnic communication, tolerance and internationalism.

151. Mention may be made of articles entitled “Looking ahead”, “Muse and fate in harmony” and “Inner harmony” (*Sovetskaya Belorussiya*), “Grecian legends”, “Eternal values” and “Different but equal” (*Narodnaya gazeta*) and “Preserving spiritual heritage” (*Respublika*), among many others.

152. Articles on ethnic harmony have also found their way into special supplements to *Sovetskaya Belorussiya*, *Narodnaya gazeta* and *Zvjazda* and into publications intended for foreign consumption: the journal *Belarus* and the newspapers *The Minsk Times* and *Holas Radzimy*.

153. The magazines *Zvjazda*, *Narodnaya gazeta*, *Belorusskaya niva* and *Respublika* have published the results of several years of sociological research into ethnic and interreligious relations by the Information and Analytical Centre attached to the Executive Office of the President of the Republic of Belarus, the main conclusion of which was that citizens believe that the rights and freedoms of peoples of various ethnic groups are fully guaranteed in Belarus and that ethnic and religious tensions do not exist.

154. The column “Expert analysis” in *Narodnaya gazeta* has published an interview entitled “Invaluable values”, on interreligious and inter-ethnic relations in Belarus, with D. Rotman, the director of the Centre for Sociological and Political Studies at Belarusian State University.

155. The mass media cover the work done to counteract various forms of racism and extremism and destructive religious sects. The national and local printed and electronic media have disseminated information on the destructive activities of Satanic religious groups: for example, a documentary entitled “Angels of death” on the activities of a Russian Satanic sect was broadcast in March 2010 on the BT television channel.

156. In *Narodnaya gazeta*, as part of publishing projects entitled “My Belarus” and “Family”, articles with a spiritual and educational content are published, as are reports about members of various ethnic groups currently living in Belarus. Reporting on the Second World War includes stories about people from various ethnic groups who were involved in the wartime events in the territory of Belarus.

157. Belarusian State television and radio cooperates actively with foreign partners (53 from 23 countries, including 27 broadcasting networks from countries of the Commonwealth of Independent States (CIS) and beyond and 26 networks from the Russian Federation), something that facilitates the exchange of reporting on inter-ethnic relations.

158. The *Belarus* radio service broadcasts 16 hours a day in seven languages — Russian, Belarusian, Polish, German, English, French and Spanish — and an English-language Internet site carries reporting in real time. Medium wave and short wave broadcasts may be heard in 20 countries of eastern, central, southern and western Europe; non-stop FM broadcasting in Belarusian, Russian and English is available in the regions bordering on Brest, Hrodna, Minsk and Viciebsk provinces. Under an agreement with the German radio broadcasting company Euskirchen, *Belarus* radio programmes in German are retransmitted to the territory of a number of European States and are made available on the German station’s server. *Belarus* radio programmes are broadcast over the air and on the site of the Russian Orthodox station *Orthodoxy*, in Bialystok.

159. The Belarusian news media regularly air reports about State policies in ethnic matters and propagate a culture of good inter-ethnic relations, tolerance, internationalism and patriotism. The leading national broadcasting companies (Belarus 1, Belarus 2 and ONT) have regularly televised programmes with such titles as *Gospel*, *Peace be upon your house* and *Sunday sermon*.

160. National competitions are held yearly by the Ministry of Information, in conjunction with the Commissioner for Religious and Ethnic Affairs, for the best journalistic and media reporting on inter-ethnic and interreligious relations, intercultural dialogue and cooperation with Belarusians residing abroad and, in conjunction with the Belarusian Orthodox Church, on the Belarusian Orthodox religion in the present and in the past.

IV. Comments on the Committee’s concluding observations

161. In its concluding observations dated 10 December 2004 (CERD/C/65/CO/2), the Committee expressed concern and made recommendations on a number of issues that will be discussed in this section.

Comments on paragraph 7 of the concluding observations (CERD/C/65/CO/2)

162. Information on the fulfilment of this recommendation is contained in paragraphs 21–40 (art. 2) and 44–61 (art. 4).

Comments on paragraph 9 of the concluding observations

163. Combating human trafficking is one of the priorities of government policy.

164. Belarus is a party to all the universal instruments of the United Nations on combating human trafficking and has helped to draft the model laws of the Commonwealth of Independent States on combating human trafficking and assistance to trafficking victims.

165. The relevant domestic legislation regulates such matters as job placement and studies abroad, international adoption and the activities of tourist, marriage and modelling agencies. The concept of “victim of human trafficking” has been incorporated into the legislation and measures for protecting and rehabilitating victims have been outlined.

166. The third Government programme to combat crime and corruption has gone into effect for 2010 to 2012, and a Government programme to prevent human trafficking, illegal migration and related illicit acts is in place for 2011 to 2013. The implementation of measures under these programmes is helping to stabilize the crime situation in the country.

167. The Trafficking in Persons Act, which takes into account all the recommendations made by the Special Rapporteur on trafficking in persons following his visit to Belarus in 2009, was adopted in January 2012. One of the priority tasks identified in the Act is the provision of assistance to victims of trafficking.

168. Intensive efforts are under way to ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

169. In 2011, during the preparation of governmental initiatives against human trafficking, the International Training Centre on Migration and Human Trafficking organized 13 training courses and over 10 other initiatives. The training was undergone by 304 participants, including from CIS countries, Great Britain, Viet Nam, Georgia, Turkey and the United Arab Emirates.

170. An international technical assistance project on combating human trafficking in Belarus is being carried out by the International Organization for Migration (IOM).

171. Measures to provide assistance to victims of human trafficking have been incorporated into the legislation. The following types of free government assistance for the rehabilitation of victims are envisaged: supply of temporary accommodation, including board and lodging; legal assistance, including free legal aid by members of the Bar Association; medical care; psychological counselling; for minors who are victims of trafficking, the tracing of their families or placement in a foster family or children’s home; assistance in

finding jobs.

172. By decision of a criminal court, a victim may be awarded compensation for injury suffered because of trafficking. There are currently 139 social adaptation and rehabilitation units for victims of trafficking in the 149 regional social services centres operating throughout the country.

173. Social protection and rehabilitation services for trafficking victims are provided free of charge and include, among other forms of assistance, the provision of temporary accommodation in “crisis units” (similar to shelters) set up in local social services centres. There are currently 45 such units nationwide.

174. In accordance with article 50 of the Code of Criminal Procedure, victims of human trafficking may use their native language or be assisted by a State interpreter during investigations. Information furnished by the Ministry of Internal Affairs shows no record, since 2008, of victims of human trafficking who were from foreign countries.

175. Heightened attention is devoted to monitoring the implementation of legislation aimed at preventing human trafficking and the economic and sexual exploitation of persons and on international adoption and the rehabilitation of minors in Belarus.

176. There are seven separate offences under the crime of human trafficking and related acts. Crimes involving pornography, including child pornography, fall into a different category of offences.

177. In 2011, in order to exchange training experiences in action against human trafficking, over 300 visits were organized for foreign delegations, including from the IOM regional office for the Scandinavian and Baltic States and countries bordering the European Union; the Regional Office for Europe of the Office of the United Nations High Commissioner for Human Rights (OHCHR); the Strategic Police Matters Unit of the Organization for Security and Co-operation in Europe (OSCE) Secretariat; the North Atlantic Treaty Organization (NATO); the London police; the German Federal police; the Latvian State police; the Vietnamese Ministry of Public Security; the Romanian Ministry of Administration and Interior; and the Russian Office of the Procurator-General and Ministry of Internal Affairs.

178. In the international arena, Belarus is a sponsor of the resolutions entitled “Improving the coordination of efforts against trafficking in persons” that have been adopted by the General Assembly.

179. Since human trafficking is a crime that knows no State borders and calls for concerted efforts by all concerned, Belarus promoted the adoption by the General Assembly in 2010 of the United Nations Global Plan of Action against Trafficking in Persons.

180. The Global Plan has set up the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, which is aimed at the direct provision of support to victims of human trafficking. Belarus was one of the first to make a voluntary contribution to the Fund.

181. In order to continue to improve the coordination of international cooperation within the United Nations to prevent human trafficking, Belarus is facilitating the activities of the Group of Friends who meet in New York, Vienna and Geneva to pursue the struggle against human trafficking.

Comments on paragraph 10 of the concluding observations

182. Under article 41 of the Constitution, citizens of Belarus are guaranteed, as the worthiest means of an individual’s self-affirmation, the right to work, namely the right to choose a profession, type of occupation and job in accordance with one’s vocation, capabilities, education and vocational training and having regard to social needs, as well as the right to healthy and safe working conditions. In connection with employment, there is no discrimination whatsoever in Belarus on grounds of ethnic origin; members of the Roma community therefore enjoy all the rights accorded under domestic legislation.

183. In accordance with article 14 of the Labour Code, discrimination in matters of employment — namely, the restriction of employment rights or the acquisition of advantages on grounds of gender, race, ethnic origin, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, property or professional status or physical or mental disabilities that do not impede the performance of employment functions — is prohibited. Persons who believe that they have been subjected to discrimination in the area of labour relations have the right to apply to a court for the discontinuation of such discrimination.

184. According to article 241 of the Labour Code, disputes about refusal to hire a person on discriminatory grounds are adjudicated directly by the courts.

185. Discriminatory terms in collective agreements are null and void.

186. In accordance with the Employment Act, State policy in the promotion of employment is aimed at guaranteeing equal opportunities for all citizens to fulfil their right to work, irrespective of gender, race, ethnic origin, language, religious or political convictions, participation or non-participation in trade unions or other voluntary associations, property or professional status, age, place of residence or physical or mental disabilities that do not impede the performance of employment functions or any other circumstances unrelated to professional qualities or to the specific functions or status of the worker.

187. The legislation on employment covers citizens of Belarus as well as foreign nationals and stateless persons residing permanently in the country; foreign nationals and stateless persons who have been granted refugee status or asylum in Belarus; and, with regard to job placement, foreign nationals and stateless persons applying for refugee status or subsidiary protection or asylum in Belarus; and foreign nationals and stateless persons who have been accorded subsidiary protection in Belarus unless stipulated otherwise in the Constitution, the legislation or the international agreements of Belarus.

188. The Government's policy on employment is given practical effect through the annual drafting and implementation of State and regional employment support programmes.

189. The State employment support programme, drawn up every year, includes job creation measures to assist citizens who cannot compete on equal terms in the labour market: people under 21 years of age, disabled persons, women, the long-term unemployed and persons released from the penitentiary institutions of the Ministry of the Interior.

190. A set of actions is being carried out to facilitate the hiring of young people. These include financial assistance from the Social Protection Fund in job hunting and in choosing and working towards a profession, part-time after-school jobs and other measures.

191. One of the priorities in the active employment policy is to heighten the qualifications of the workforce through a vocational training programme for the unemployed which includes training, retraining and skills upgrading.

192. Systematic efforts to develop a vocational training programme for the unemployed and to improve the quality and effectiveness of such training are carried out by the State Employment Service. The corresponding legislative framework is in place and is being updated: it consists of the Employment Act; regulations on vocational training, retraining and skills upgrading for the unemployed, adopted in Decision No. 1334 by the Council of Ministers on 12 October 2006 and on specific issues of supplementary adult education, adopted in Decision No. 954 by the Council of Ministers on 15 July 2011; and other legislation and regulations on employment and vocational training.

193. Unemployed persons are sent for vocational training when: they cannot be found suitable work owing to their lack of the necessary qualifications (specialization); a change of profession (specialization, occupation) is required because their occupational skills cannot be matched to any available job; they have become unable to or should not do the work involved in their former profession (specialization).

194. In the provision of vocational training to unemployed persons, particular attention is paid to young people (especially minors), the long-term unemployed, disabled persons, single parents, parents of large families and mothers.

195. Vocational training is given principally in the professions that are in demand on the job market.

196. For the purpose of guaranteeing the employment rights of citizens, governmental monitoring and control of the implementation of labour legislation is systematically carried out by the State Labour Inspectorate of the Ministry of Labour and Social Protection in conjunction with specially empowered government supervisory bodies and the trade unions.

Comments on paragraph 11 of the concluding observations

197. To supplement the information contained in articles 85 to 108 (art. 5), we wish to state the following.

198. Legislation on migration has been drawn up in Belarus taking into account international experience and generally accepted norms and principles, including the basic components of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention).

199. In November 2008, given the intensive nature of migratory flows in the territories of CIS member States, Belarus was one of the first of those States to ratify the Convention on the Legal Status of Migrant Workers and Members of Their Families.

200. The International Labour Migration Act of Belarus entered into force on 12 July 2011. It states that migrant workers gainfully employed in Belarus are guaranteed, to the same extent as citizens and foreign nationals permanently residing in Belarus, remuneration for work of equal value and other legislatively mandated payments for citizens and foreign nationals permanently resident in Belarus in the event of loss of health or work capacity or death due to workplace accident or occupational disease. Under this Act, migrant workers in Belarus have the right to accessible health-care services at their own expense, that of their employer in Belarus or other sources not prohibited by law; to pensions in accordance with the international agreements signed by Belarus; to the unobstructed transfer of their earnings out of Belarus; and to the importation to Belarus of the instruments and equipment required to do their work.

201. In addition, the agreement on the legal status of migrant workers and members of their families signed by the members of the Common Economic Space entered into force on 1 January 2012.

202. These instruments incorporate the basic approaches outlined in the Migrant Workers Convention.

203. In future, once the Convention on the Legal Status of Migrant Workers and Members of Their Families has been ratified by all States members of the Commonwealth of Independent States and some experience in its implementation, and that of the agreement on the legal status of migrant workers and members of their families, has been acquired, an objective analysis can be made of the positive and negative aspects of Belarus's signature of these international agreements, enabling it to draw conclusions about the advisability of signing the Migrant Workers Convention.

Comments on paragraph 12 of the concluding observations

204. Statistical information on prosecutions launched and penalties imposed for offences related to racial discrimination is contained in paragraphs 53 and 54 (art. 4).

205. Domestic legislation incorporates and ensures the implementation of international standards in respect of due process, the independence of the judiciary, the presumption of innocence, competent defence of the accused, the right to defence and legal aid, the right to appeal court rulings and the right to appeal for pardon.

206. Under the legislation, the independence of the judiciary is ensured through the arrangements for the election, suspension or dismissal of judges, judicial immunity, the conduct of court proceedings, the confidentiality of deliberations in handing down rulings, the prohibition of divulging such deliberations, liability for lack of respect for the judge or interference in his or her work and other guarantees of the judge's status and the provision of the requisite organizational and technical backdrop for the work of the courts.

207. Interference with a judge's work in the administration of justice is impermissible and entails responsibility under the law, including criminal responsibility.

Comments on paragraph 13 of the concluding observations

208. To supplement the information set out in paragraphs 28 to 34 (art. 2), we wish to report that a network of specialized public institutions operates to promote and protect various categories of human rights, through which a constructive partnership has been forged between the State and civil society. These include the National Commission on the Rights of the Child, the National Council on Gender Policy, the Inter-Ethnic Advisory Council, the National Council on Labour and Social Affairs, the Interdepartmental Council on Disability, the Interdepartmental Commission on the Elderly, Veterans and Victims of War, the Council on the Improvement of Social and Labour Legislation and the Community Coordinating Council on the Mass Media.

209. The possibility of establishing a single national human rights institution is currently under consideration.

Comments on paragraph 14 of the concluding observations

210. A comprehensive approach to the teaching of human rights in general educational institutions has been developed in Belarus, and educational initiatives in respect of human rights are periodically carried out. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, receive advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

211. All citizens have easy access to the basic United Nations instruments in the field of human rights. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get counselling in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

212. In accordance with the Youth Policy Framework Act, adopted in 2009, specialized services are to be set up nationwide to provide counselling to young people on various aspects of human rights and to furnish legal aid. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

213. A series of initiatives in human rights education is currently being carried out as part of the legal literacy plan, 2001–2015, and the national plan of action to improve the situation of children and preserve their rights, 2012–2015. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

214. Under the Framework Plan for the Continuing Education of Children and Young People, children and young people study human rights and international humanitarian law throughout the educational cycle. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

215. At the International Training Centre on Migration and Human Trafficking, located in Minsk, law enforcement officials are given training on human rights issues. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

216. An information office of the Council of Europe has been set up with government support and in conjunction with Belarusian State University and carries out information campaigns in the field of human rights. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

217. A project to improve the quality of human rights teaching in Belarus was carried out from 2006 to 2009 jointly with the OSCE Office for Democratic Institutions and Human Rights. As a result of the project, a team of trainers in human rights was formed and a theoretical guide on the teaching of human rights in and out of school, containing recommendations on how to approach human rights studies for older students and in higher educational institutions, was approved and issued. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

218. An international technical cooperation project for facilitating improvements in the court system in Belarus through the increased

specialization of the courts was developed jointly with the United Nations Development Programme and the Office of the High Commissioner for Refugees. The National Centre for Legal Literacy has set up a website for children (www.mir.pravo.by) which, through the use of games and other means, aims to help children and young adults learn about human rights, get advice in difficult situations and form the positive values, including those of understanding and tolerance, that are essential for living in a multi-ethnic society.

Comments on paragraph 15 of the concluding observations

219. The Political Parties Act and Voluntary Associations Act establish the procedures for setting up political parties and other voluntary organizations. Registration requirements are identical for all associations, irrespective of the nature and purpose of their activities.

220. The Ministry of Justice is currently drawing up a bill intended to improve the procedures for forming and dissolving political parties and voluntary associations.

221. The documentation on procedures for the formation, registration and activities of voluntary associations and political parties is freely accessible on the Internet.

222. The conditions created in Belarus have had a positive effect on the development of civil society; they promote the dissemination of information and make the activities of non-governmental organizations more effective.

223. The number of voluntary associations is on the rise, attesting to the civic activism of the population and the opportunities available for engaging in activism. In early 2012, there were 2,414 voluntary associations in a variety of fields in Belarus (they numbered 2,325 in 2011) as well as 15 political parties.

224. A similar situation prevails in the trade union movement: 37 trade unions, representing 90 per cent of all workers, are registered in the country, and there are 23,026 trade union organizations.

225. At present, 84 international technical assistance projects with some component of protection and promotion of human rights are in the development or implementation stage. In the course of carrying out these projects, the national authorities actively interact with non-governmental organizations.

226. Belarusian voluntary associations working in the field of human rights participated actively in the preparations for and conduct of the universal periodic review by the Human Rights Council in 2010.