



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

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Twentieth to twenty-third periodic reports of States parties
due in 2016**

Belarus*

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I. Introduction

1. Pursuant to article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, Belarus hereby submits its combined twenty-first to twenty-third reports on the implementation of the Convention.
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 the protection and promotion of human rights in the country, including in the area of non-discrimination and equality, and domestic remedies is contained in the common core document of Belarus (HRI/CORE/BLR/2015).
4. The report provides updated information on the measures taken in Belarus during the reporting period to ensure that manifestations of racism, racial discrimination and other forms of intolerance will not be tolerated, including steps to improve legislation and protect and promote the rights of citizens of all ethnic backgrounds, and also information on the Committee's concluding observations on the combined eighteenth to nineteenth periodic reports of Belarus (CERD/C/BLR/CO/18-19).
5. Information on the implementation by Belarus of individual categories of human rights is provided in detail in the following periodic reports to other human rights treaty bodies: the common core document; the national report for the universal periodic review (A/HRC/WG.6/22/BLR/1); the combined fourth to sixth periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BLR/4-6); the fifth periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/BLR/5); the seventh periodic report on the 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 the implementation of the Convention on the Rights of the Child (CRC/C/BLR/3-4).
6. The report was prepared by the Ministry of Foreign Affairs in collaboration with the Office of the Commissioner for Religious and Ethnic Affairs, the Ministry of Labour and Social Protection, the Ministry of Internal Affairs, the Ministry of Education, the Ministry of Justice, the Ministry of Information, the National Statistical Committee, the Investigative Committee, the Office of the Procurator General and the Supreme Court.

II. Information on the implementation of the Convention

Article 1

Legislative measures to prevent discrimination

7. Maintaining harmonious inter-ethnic relations and fostering cultural dialogue are among the major achievements of the country's State policy on nationalities.
8. Under the Constitution, all persons are equal before the law and have the right, without discrimination, to equal protection of their rights and lawful interests (art. 22).
9. This right is guaranteed to all citizens irrespective of their origin, race, ethnicity, nationality, social position, financial situation, gender, language, education, attitude to religion, place of residence, state of health or other circumstances.

10. The principle of equality before the law and the prohibition of discrimination are set out in the following legislation governing the enjoyment of rights and fundamental freedoms in the political, economic, social and cultural spheres and other areas of public life: the Labour Code; the Marriage and Family Code; the Education Code; the Civil Code; the Criminal Code; the Rights of the Child Act; the State Youth Policy Act; the Citizens' and Legal Entities' Appeals Act; the Act on the Confirmation of Domestic and Foreign Policy Guidelines; the Administrative Procedures Framework Act; the Public Service Act; and others.

11. Under the Ethnic Minorities Act, of 11 November 1992, citizens of Belarus who belong to ethnic minorities are guaranteed equal political, economic and social rights and freedoms, including:

- The right to assistance from the State for the development of ethnic culture and education
- The right to use one's first language, the right to choose the language used for communication and the right to freedom of choice of the language in which children are reared and educated
- The right to establish a media outlet and engage in publishing and the right to receive, store and disseminate information in one's first language
- The right to establish cultural ties with people of the same ethnic origin living outside Belarus
- The right to profess any religion or no religion and to take part in religious worship, ceremonies and rites in one's first language
- The right to preserve one's historical, cultural and spiritual heritage and to foster cultural development, including professional and amateur arts
- The right to set up voluntary associations and to join existing ones
- The right to vote and to stand for public office on the basis of universal, equal and direct suffrage by secret ballot
- The right of equal access to public service positions in Belarus

12. Furthermore, under the Ethnic Minorities Act, there may be no direct or indirect restriction whatever of citizens' rights and freedoms on the grounds that they belong to an ethnic minority and no attempts to assimilate them against their will.

13. Advisory bodies composed of members of ethnic minority groups may be set up under local councils of deputies and act on a pro bono basis. The procedure for the establishment of such bodies is determined by the local councils concerned. The Local Government and Self-Government Act makes provision for local self-government, thus facilitating the preservation of cultural values and ethnic customs and traditions and increasing the scope for artistic creativity and technical innovation among ethnic minorities.

14. Through the procedures laid down in domestic legislation, the Government provides opportunities for the development of education and culture of ethnic minorities by providing the necessary funds from the national and local budgets for this purpose.

15. With a view to preventing discrimination in all its forms, under the Anti-Extremism Act, extremism is defined as an activity of citizens of Belarus, foreign nationals or stateless persons or of political parties, voluntary associations and religious and other organizations involving the planning, organization, preparation and commitment of acts aimed, among other things, at:

- Establishing an organization for carrying out extremist activity, an extremist organization or an extremist group (hereinafter referred to as an extremist organization)
- Inciting racial, ethnic, religious or other social hostility or discord
- Organizing and starting riots and acts of hooliganism and vandalism on the grounds of racial, ethnic, religious or social hostility or discord or political or ideological enmity
- Advocating exclusiveness or the superiority or inferiority of citizens on social, racial, ethnic, religious or linguistic grounds
- Advocating and publicly displaying, producing or 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 under article 7 of the Political Parties Act and article 7 of the Voluntary Associations Act.

17. The Media Act guarantees respect for the human rights and freedoms of Belarusian citizens in the media (art. 4). Article 38 of the Act prohibits the dissemination in the media of information aimed at advocating or inciting war or extremist activity or promoting pornography, violence or cruelty and other information which, if disseminated, could cause harm to the national interests of Belarus or which is prohibited under the Act or other laws of Belarus.

18. Under article 31 of the Constitution, everyone has the right to determine his or her attitude to religion, to profess any religion, individually or with others, or to profess no religion, to express and disseminate his or her religious beliefs and to take part in religious worship, ceremonies and rites not prohibited by law.

19. In accordance with article 5 of the Freedom of Conscience and Religious Organizations Act, no one is required to declare his or her attitude to religion, and no one may be subjected to any pressure whatever to profess a given faith while he or she is determining what position on religion to take.

20. Article 7 of the Act stipulates that citizens are equal before the law irrespective of their attitude to religion. A citizen's religion is not indicated in official documents unless he or she so desires.

21. In accordance with article 4 of the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, of 4 January 2010, foreigners and stateless persons in the country have the same rights, freedoms and obligations as Belarusian citizens unless otherwise stipulated by the Constitution, the Act itself, other legislative acts or the international agreements entered into by Belarus.

22. Foreign nationals or stateless persons who are residing in Belarus because of a well-founded fear of being persecuted in their State of nationality or State of former habitual residence for reasons of race, religion, nationality, ethnic origin, membership of a particular social group or political opinion and are unable or unwilling because of such fear to avail themselves of the protection of that State are entitled to refugee status in accordance with the Act on the Granting of Refugee Status and Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons in Belarus, of 23 June 2008.

23. The International Labour Migration Act prohibits 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 situation, official position, age, place of residence or physical or mental disabilities.

24. The Act of 5 January 2016 amending the International Labour Migration Act entered into force on 15 July 2016. Article 4 of the Act establishes a prohibition against violations of the labour legislation of Belarus and other national laws when immigrant workers are employed in Belarus.

Article 2

Fulfilment of the obligation to eliminate all forms of racial discrimination and related intolerance

25. Belarus consistently pursues policies aimed at ensuring that the cultures, languages and traditions of all ethnic communities may develop freely, full equality is established, the rights and interests of members of such communities are respected and taken into consideration, the necessary State support is provided for the realization of these rights and any manifestation of racism, racial discrimination, xenophobia and related intolerance is stamped out.

26. All persons are equal before the law and have the right to equal protection, without discrimination, of their rights and legitimate interests. No one may enjoy advantages and privileges that infringe on the interests of others. Everyone is entitled to freedom of association and to preserve his or her ethnic identity; by the same token, no one may be compelled to specify or declare his or her ethnicity. Offences against ethnic dignity are subject to prosecution under the law. Everyone has the right to use his or her first language and to choose the language used for communication and rearing and educating children.

27. National legislation provides for the equality of members of ethnic communities without distinction as to the length of time they have been in the country.

28. The ethnic origin 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, in accordance with paragraph 22 of the rules on identity documents, approved under Presidential Decree No. 294 of 3 June 2008 on the documentation of the population of Belarus.

29. There are some 140 ethnic groups living in Belarus. According to the 2009 census, 83.7 per cent of the country's inhabitants are Belarusian, and 13.9 per cent come from other ethnic backgrounds, including Russians (8.3 per cent), Poles (3.1 per cent), Ukrainians (1.7 per cent) and Jews (0.1 per cent). Members of other ethnic groups number about 70,000, including 7,079 members of the Roma community. In addition, 2.4 per cent of the country's inhabitants have not indicated their ethnic origin.

30. There are 112 ethnic minority citizens' organizations registered in the country that bring together persons from 27 different ethnic groups.

31. All these associations have considerable experience with cultural, educational, media and charitable work. All ethnic cultural associations are entitled to receive financial, legal and organizational support and guidance from the State on equal terms.

32. In Belarus, work with ethnic and religious communities is coordinated by the Office of the Commissioner for Religious and Ethnic Affairs.

33. The Office monitors compliance with the legislation for the protection of the human rights of persons who identify themselves as members of ethnic communities and, in cooperation with the public authorities and other organizations, seeks to prevent violations

of the law while facilitating inter-ethnic and interfaith dialogue and reaffirming the value of cultural diversity.

34. An interdepartmental working group has been established to improve public policy in the field of ethnic relations, which comprises the head of unit of the Office of the President, deputy ministers, chairs of provincial executive committees and the executive committee of Minsk, State committees and agencies and organizations responsible for these issues.

35. In 2015, there were four meetings of the working group. At the meetings, consideration was given to issues relating to the implementation of provincial and regional programmes and activities for the development of interfaith relations, information support for State policy on ethnic religious relations, the preservation and study of cultural heritage, the promotion of ethnic community traditions, the work of educational institutions on intercultural relations between students and other matters.

36. The Inter-Ethnic Advisory Council has been a part of the Office of the Commissioner for Religious and Ethnic Affairs since 2004. Its members currently comprise 23 representatives of ethnic cultural voluntary associations, including Belarusian Roma Diaspora, and their federations. The voluntary associations of a given ethnic community propose a candidate for membership of the Council who is given the power to represent its or the associations' interests.

37. The Council works with the Commissioner for Religious and Ethnic Affairs in the areas under its jurisdiction, drafts proposals for the improvement of relations with voluntary associations that identify themselves as ethnic minority associations and coordinates the activities of voluntary associations whose representatives sit on the Council.

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

39. The regional executive committees and the Minsk municipal executive committee have branch offices that are involved in the implementation of State policy on ethnic religious affairs throughout the country and monitor compliance with the law in this area at the local level.

40. A programme for the development of interfaith relations, inter-ethnic relations and cooperation with members of ethnic groups living abroad for the period 2006-2010 has been drawn up.

41. Drawing on the results of the programme's implementation, a new programme for the period 2016-2020 has been developed and is being carried out.

42. The programme for the development of ethnic relations for the period 2016-2020 is aimed at further maintaining inter-ethnic peace and harmony and helping citizens to exercise their rights to ethnic cultural development and ethnic identity.

Article 3

Condemnation of racial segregation and apartheid

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

44. Belarus consistently sponsors the resolutions of the General Assembly and its Third Committee on the prevention of racism, racial discrimination and related intolerance.

45. A member of the group of friends of the Alliance of Civilizations, Belarus takes part in its forums, where it shares its national experience in the areas of inter-ethnic and interfaith relations, the promotion of tolerance and openness to religious, cultural, ethnic and linguistic diversity.

Article 4

Legislative, judicial, administrative and other measures to eradicate racial discrimination or incitement thereto

46. Responsibility is incurred under the legislation of Belarus for any acts entailing discrimination on ethnic grounds, interference in the enjoyment of the lawful rights of ethnic minorities and incitement to inter-ethnic or other discord.

47. 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 hostility or discord.

48. Under article 9.22 of the Code of Administrative Offences, public insult, denigration of State languages or other ethnic languages, obstruction or restriction of their use and the incitement of hatred on linguistic grounds are classed as administrative offences.

49. In addition, the commission of an administrative offence motivated by racial, ethnic or religious hatred is considered an aggravating circumstance under article 7.3 (1) (6) of the Code of Administrative Offences. The commission of an offence on grounds of racial, ethnic or religious hatred or discord, political or ideological hatred or hatred or hostility towards a social group is also considered an aggravating circumstance under criminal article 64 (1) (9) of the Criminal Code.

50. The Criminal Code also establishes criminal liability for offences against constitutional human and civil rights and freedoms, in particular violations of citizens' equal rights (Criminal Code, art. 190). This article establishes liability for any intentional direct or indirect violation or restriction of rights and freedoms or the granting of direct or indirect advantages for citizens on the basis of gender, race, ethnicity, language, origin, financial situation, official position, place of residence, attitude to religion, beliefs or membership of voluntary associations resulting in substantial harm to the rights, freedoms and lawful interests of citizens.

51. In addition, the Criminal Code establishes liability for the incitement of racial, ethnic or religious hatred or enmity (art. 130) and for a number of offences motivated by racial, ethnic or religious hatred or enmity, political or ideological enmity, or hatred or enmity towards any social group, such as genocide (art. 127), crimes against the security of humankind (art. 128), murder (art. 139 (2) (14)), intentional grievous bodily harm (art. 147 (2) (8)) and the violation of the rules of conduct governing military service personnel of equal rank (art. 443 (2)).

52. In accordance with the Act of 5 January 2015 amending the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Administrative Offences, the Code of Administrative Procedure and Enforcement and the Act of 20 April 2016 amending certain national legislation, articles 128 and 130 of the Criminal Code were amended with a view to tightening up the rules on criminal responsibility for incidents involving racial discrimination. In particular, article 128 of the Criminal Code, which defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, including for any reason based on discrimination of any kind.

53. The penalties incurred under current national law for any occurrence of racial discrimination acts as a powerful deterrent to and curb on potential acts of racial discrimination or incitement to such acts.

54. In the period 2010-2015, there were no convictions for crimes under the following articles of the Criminal Code: 127 (Genocide); 128 (Crimes against the security of humankind); 139 (2) (14) (Murder on grounds of racial, ethnic or religious hatred or discord, political or ideological hatred, or hatred or hostility towards a social group); 147 (2) (8) (Serious bodily injury) on the same grounds; and 193 (Organization or leadership of a voluntary association or religious organization that infringes on the person and citizens' rights and freedoms).

55. In 2014, the court ordered the use of restraints and treatment for one person with diminished mental capacity who committed a socially dangerous act under article 130 (1) of the Criminal Code.

56. In 2015, one person was convicted of committing an offence under article 130 (1) of the Code.

Article 5

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

57. Under the Ethnic Minorities Act, the State guarantees to citizens of Belarus belonging to ethnic minorities equal political, economic and social rights and freedoms in accordance with the procedures established by current national law.

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

III. Information on specific rights

Right to freedom of thought, conscience and religion

59. State policy on interfaith and inter-ethnic relations is carried out in accordance with the Constitution, the national security policy outline, 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.

60. 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 personal practice of any given faith. Article 4 (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.

61. There are currently 3,510 religious organizations from 26 faiths and religious denominations, including 3,337 religious communities and 168 religious societies that are registered in the country.

62. The activities of religious organizations, including issues of concern and issues involving interaction with the Government on ethnic matters, are coordinated by the Inter-

Ethnic Advisory Council of the Office of the Commissioner for Religious and Ethnic Affairs.

63. In 2014, the theme of the Fourth European Orthodox-Catholic Forum was “Religion and cultural diversity: challenges to Christian churches in Europe”. In the outcome documents, Orthodox and Catholic Church leaders from 22 countries in Europe noted the experience of Belarus with Church-State relations and interfaith dialogue could serve as a model for many countries in Europe and the world.

64. 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.

65. Assistance has been provided from the national budget for restoration work on monuments of history and culture, including houses of worship.

66. The national authorities and local authorities and administrative bodies provide assistance for the Mahutny Bozha International Christian Music Festival, in which performance groups of various faiths take part, and the annual Kolozha Chime (*Kolozhsky blagovest*) International Festival of Orthodox Chants.

Right to freedom of opinion and expression

67. In accordance with the Act on Languages in Belarus, of 20 January 1990, as amended on 13 July 1998, the mass media may use the language of any ethnic group whose members live in Belarus. The print media are primarily in Russian and Belarusian. There are also publications in English, German, French, Polish and other languages. 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.

68. National voluntary associations may set up their own publishing arms with State support.

Right to freedom of peaceful assembly and association

69. The freedom to stage assemblies, rallies, street marches, demonstrations and pickets and freedom of association are established as basic human and civil rights under articles 35 and 36 of the Constitution. The principal legislative acts that lay down the procedures for the exercise of these constitutional rights 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.

70. Matters involving the activities of voluntary associations come under the Act amending certain national legislation on the activities of political parties and other voluntary associations, which entered into force in February 2014. The Act makes provision for simplifying the regulations governing the establishment of voluntary associations. Specifically, it provides for reduced representation of the founders of a public association from the regional units at which it will operate. This new development refers to all public associations, including associations of citizens who identify themselves as ethnic minorities.

71. There are 112 voluntary associations of citizens who identify with ethnic minorities.

72. 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.

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

74. The efforts of the associations of ethnic minorities aimed at spreading their cultures, languages and traditions involve large cultural events, competitions, festivals, exhibitions, concerts, holidays and fairs, charitable assistance and the various types of charity work.

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

75. 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, in which the groundwork is laid for the Government's approach to regulating the stay of foreigners in Belarus.

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

77. In accordance with article 4 of the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus of 4 January 2010, foreigners and stateless persons in the territory of Belarus have the same rights, freedoms and obligations as citizens of Belarus unless otherwise stipulated by the Constitution, the Act itself, other legislative acts or the international agreements entered into by Belarus.

78. Article 17-1 (Guarantees of non-refoulement of foreigners) of the Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus of 4 January 2010, as amended by the Act of 4 January 2014 amending certain national legislation on the legal status of foreign nationals and stateless persons in Belarus, provides that foreigners may not be returned or expelled against their will to a foreign State where their life or freedom might be endangered because of their race, religion, nationality, ethnic background, membership of a social group or political opinion or where they may be subjected to torture. Furthermore, article 17-1 (2) establishes that the provisions of paragraph 1 of this article do not apply to foreigners who pose a threat to the national security of Belarus or have committed a crime in the territory of Belarus that is categorized under the Criminal Code as serious or especially serious.

79. In the event that their travel documents are lost (stolen) while they are outside Belarusian territory, stateless persons who are permanent residents in Belarus, foreign nationals and stateless persons who have been granted refugee status or asylum in Belarus are issued a laissez-passer for return travel to Belarus. In accordance with article 14 (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 the State of employment.

80. In view of the favourable conditions created in Belarus for the residence of foreigners, their numbers are growing.

Table 1

	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
Number of foreign citizens	146 127	153 423	166 573	175 932
Number of stateless persons	6 962	6 712	6 440	5 635

81. A comprehensive system for the legal and social protection of asylum seekers has been established in Belarus.

82. 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 2 July 2009.

83. 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.

84. 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 against in the courts.

85. There are three temporary accommodation centres for refugees and persons who are applying for refugee status or subsidiary protection in Belarus, in Vitsyebsk, Homyel and Brest, and a system has been set up to facilitate the monitoring by international and non-governmental organizations of access by asylum seekers to refugee status determination procedures.

86. Foreign nationals who have been granted refugee status in Belarus enjoy all the social and economic rights that foreign nationals with permanent residence enjoy unless otherwise specified by domestic legislative acts and international agreements entered into by Belarus. They are covered by the legislation on employment and they receive assistance in vocational training and job placement. Moreover, they have the same rights to family reunification, financial assistance and residence in specially equipped facilities and the same privileges in registering their place of residence and in securing judicial protection as citizens of Belarus.

87. 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 foreign nationals who are temporary residents in the country. In accordance with domestic legislation, they have the same rights to medical services and job placement as foreigners with permanent resident status in Belarus. Foreign nationals in this category are covered under employment laws. They are also accorded the same rights to family reunification, residence in specially equipped facilities and judicial protection as citizens of Belarus.

88. Foreign nationals who, under the country's legislative acts and international obligations, cannot be subject to expulsion have the right to obtain a temporary residence permit and, accordingly, enjoy all the same rights as foreign nationals granted temporary residence in Belarus.

89. Foreign nationals and stateless persons permanently residing in Belarus, ethnic Belarusian foreign nationals and stateless persons permanently residing in foreign States and foreign nationals and stateless persons who have been granted refugee status in Belarus have the same right to education as citizens of Belarus unless otherwise specified in domestic legislative acts and international agreements entered into by Belarus. Minors who are foreign nationals or stateless persons who are temporary residents in Belarus or who have been granted or are applying for refugee status or subsidiary protection in Belarus

have the same right to preschool, general secondary and specialized secondary education as Belarusian minors.

90. In the period that the legislation on forced migration has been in effect in Belarus (from 1997 to 2015) over 6,000 foreign nationals from 60 States in the world have applied to the competent bodies for refugee status.

91. As at 1 January 2016, 926 foreign nationals from 19 States have been granted refugee status (627 from Afghanistan, 136 from Georgia, 36 from the Syrian Arab Republic, 32 from Tajikistan, 30 from Azerbaijan, 23 from Ethiopia, 10 from Palestine, 12 from the Islamic Republic of Iran, 5 from Pakistan, 2 from India, 4 from Armenia, 3 from Iraq and 1 each for Cameroon, Lebanon, Liberia, Rwanda, Somalia and Ukraine); and 1,231 foreign nationals have been granted subsidiary protection (1,090 from Ukraine, 102 from the Syrian Arab Republic, 13 from Yemen, 8 each for Iraq and Libya, 6 for Egypt, 2 for Afghanistan and 1 each for the Islamic Republic of Iran and Lebanon).

92. An important aspect of working with refugees is ensuring favourable conditions for their integration into society. To date, 168 foreign nationals have been granted refugee status and have received Belarusian nationality.

93. The Government has addressed the problem of housing, employment, language study and education as a matter of priority with a view to successfully integrating refugees into the country, including through international technical assistance projects.

94. In 2015, under the project to provide assistance to the most vulnerable groups of asylum seekers in Belarus affected by humanitarian crises, with the financial support of the Office of the United Nations High Commissioner for Refugees branch office in Belarus, 14 citizens from the Syrian Arab Republic (3 families) living in refugee camps in Lebanon were resettled.

95. According to different estimates, since 2014, Belarus has provided shelter for some 160,000 internally displaced persons from eastern Ukraine. With a view to providing assistance to Ukrainian citizens experiencing hardship, the President signed Decree No. 420 on 30 August 2014 on the stay of Ukrainian citizens in Belarus.

Article 6

Access to justice

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

97. 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 prescribed by law.

98. Judicial power is exercised through constitutional, civil, criminal, administrative and commercial legal proceedings.

99. Trials in all courts are open to the public. Closed hearings are allowed only in cases prescribed by law and in accordance with the rules of legal proceedings.

100. 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, other public bodies, local authorities, enterprises, institutions, organizations and voluntary associations and in relations with officials and citizens. In the instances specified by law, legal assistance is publicly funded.

101. In accordance with article 12 of the Code of Civil Procedure, citizens are equal before the law and the courts regardless of their origin, social or financial situation, race or ethnic background, gender, education, language, attitude to religion, political or other convictions, type and nature of occupation, place of residence, length of residence in a particular area or other circumstances.

102. 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 equal protection of their rights and lawful interests. Criminal proceedings are based on the principle of the equality of citizens before the law irrespective of their origin, social, official position, financial situation, race, ethnicity, political or other beliefs, attitude to religion, gender, education, language, type and nature of occupation, place of residence or other circumstances. In accordance with article 20 (3), no one may enjoy advantages and privileges that are contrary to the law.

103. Article 4.2 of the Code of Administrative Offences likewise contains provisions prohibiting racial discrimination. Under paragraph 3 of that article, persons who have committed administrative offences are equal before the law and incur administrative liability irrespective of their sex, race, ethnicity, language, origin, financial situation, official position, place of residence, attitude to religion, beliefs, membership of voluntary associations or other circumstances.

104. Belarusian legislation provides for the right of all citizens to bring an action before the courts for adequate fair and adequate compensation for any damage. Article 60 of the Constitution provides that citizens have the right to sue for material and non-material damage in order to defend rights, freedoms, honour and dignity.

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

Article 7

Improving inter-ethnic relations

Education and teaching

106. Ethnic minorities in Belarus enjoy the right to study their native languages alongside the official languages of the country, Belarusian and Russian.

107. The Education Code contains provisions on the language of instruction of ethnic minorities. For example, in accordance with the wishes of pupils, students and their parents or guardians, by decision of local authorities and administrative bodies and in coordination with the Ministry of Education, classes or groups may be established in preschool institutions and general secondary education establishments in which instruction is provided in the language of an ethnic minority or the language of an ethnic minority is studied.

108. The Ministry of Education has approved curricula that include opportunities for studying the languages and literatures of ethnic minorities or instruction in ethnic minority languages.

109. The general secondary educational institutions of Belarus offer Hebrew, Polish and Lithuanian language courses. School advisory boards for Belarusian ethnic minorities in Lithuania and Lithuanian minorities in Belarus have been set up and are operating in the two countries.

110. There are four general secondary educational institutions in which instruction is provided in the languages of ethnic minorities: two Polish-language schools (in Hrodna and Vawkavysk) and two Lithuanian-language schools (in the villages of Pelyaass and Rymdyuna in Hrodna province). Furthermore, secondary school No. 9 in Brest runs classes for first- to fourth-year pupils in which instruction is provided in Polish. Some 976 students are taught in these ethnic minority languages (834 in Polish and 142 in Lithuanian). The Beis Aharon School, a Jewish school of general secondary education, is operating in Pinsk.

111. A total of 911 students study ethnic minority languages in optional courses or as a mandatory subject, including 596 students studying Polish and 315 Hebrew.

112. The education boards and departments of the provincial, city and district executive committees and the Committee on Education of the Minsk City Executive Committee provide the necessary support for the work of general secondary education institutions in which the ethnic minority languages are studied or instruction is provided in ethnic minority languages. Students in years 9 and 11 whose medium of instruction is an ethnic minority language take an additional final examination in the national minority language.

113. The training of teachers of Polish, Ukrainian and Lithuanian in higher education institutions is covered both with funding from the national budget and on a fee-paying basis.

114. In 2015, the Office of the Commissioner for Religious and Ethnic Affairs published the fourth edition of 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

115. The Constitution establishes the right of all citizens to participate in cultural life and makes the Government responsible for the preservation of the country’s historical, cultural and spiritual heritage and free development of the cultures of all ethnic communities living in Belarus (arts. 15 and 51). Foreign nationals and stateless persons in Belarus have the right to preserve and develop their ethnic language and culture and to observe their ethnic traditions and customs in accordance with the legislation of Belarus (Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus, art. 15).

116. In accordance with the Ethnic Minorities Act, the State ensures that citizens of Belarus from ethnic minorities have the right to State funding for the development of ethnic culture and education.

117. In accordance with the Culture Act of 4 June 1991, as amended on 18 May 2004, citizens from any ethnic community living in Belarus have the right to preserve and develop their ethnic culture, to raise their children according to ethnic cultural traditions, to use their native languages and to establish voluntary associations that carry out cultural activities in Belarus (art. 19).

118. Under the Culture Act, one of the principles of carrying out and promoting cultural activities is the free development of the cultures of all ethnic communities living in Belarus.

119. The Act provides that State policy on culture is to be based on the recognition of culture as one of the main factors for the identity of the Belarusian people and other ethnic communities living in the country, intergenerational solidarity, personal development and fulfilment and the education and upbringing of children and young people (art. 10 (1)).

120. In accordance with the Act on Languages in Belarus, persons from ethnic minorities living in Belarus have the right to receive an education in their native languages (art. 21). Belarus is concerned about the free development and use of ethnic languages that are used by the people of the country (art. 2 (3)). Citizens have the right to use their native languages

and to choose the language of communication (art. 3). Open contempt for or denigration of official or other ethnic languages, obstruction or restriction of their use and the incitement of hatred on linguistic grounds are punishable by law (art. 6 (2)).

121. The National Centre for Ethnic Cultures, a government institution, has been set up and is operating in Belarus.

122. The National Centre for Ethnic Cultures provides information, guidance and advice to national associations in Belarus for their cultural and educational activities, coordinates efforts to improve and give effect to the procedures and working methods used by culture and arts bodies and 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, offers opportunities for individual and group artistic activities and organizes leisure activities of members of various ethnic groups.

123. The Council of the National Centre for Ethnic Cultures has been set up as its public advisory body. It is made up of members of registered ethnic cultural and educational associations. The Council makes recommendations on the work planning of the National Centre and the holding of international cultural and educational events.

124. Funding for the National Centre is provided from the national budget.

125. Members of ethnic cultural associations participate actively in State holidays and social events at the national and local levels, observe ethnic culture days and celebrate national holidays.

126. 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 magnitude, the Festival has no equal anywhere in the world. For children, there is the "Sonečny ptach" ethnic cultural festival.

127. In addition to the nationwide festivals, provincial, district and municipal ethnic cultural festivals are regularly organized by ethnic communities with the involvement of local authorities and administrative bodies and local executive committees (the Kaziuki crafts festival in Hrodno, the Poloniez festival in Slonim and the "Augustów Canal in the Culture of Three Peoples" festival in the Hrodno district).

128. For the purpose of promoting 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".

129. 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.

Information

130. The media play an important role in shaping public opinion, fostering social solidarity, preserving interfaith and inter-ethnic peace and harmony and promoting a culture of good inter-ethnic relations, tolerance, internationalism and patriotism.

131. The following columns and features have appeared in the pages of the national print media: "Context", "Spirituality", "Region", "Community" and "Society" (*Sovetskaya Belorussija*); "Spirituality", "Traditions", "Rites", "My Country", "The Earthly and the Eternal" and "Spiritual Revival" (*Respublika*); "Mirror", "In Belarus towards a Place of Residence", "Biography", "The Path to Spirituality", "We Are Together" and "World

View” (*Zviazda*); “The Road to the Church” (*Narodnaja hazieta*); “The Spiritual and the Earthly”; “Cultural Heritage”; and others.

132. In addition, publications on the above-mentioned topics have been included in news features of the newspapers *Zviazda*, *Žyvi i kvitniej*, *Ihumienski trakt*, *Bielaruś*, *Miestnaje samakiravannie*, *Sojuz. Bielaruś-Rossija*, which was published in the form of a supplement to *Sovietskaja Bielorusija*, and *Sojuznoje viečje* in *Zviazda*, and in publications intended for a foreigner readership, including the magazine *Bielaruś. Belarus* and the papers *Holas Radzimy* and *The Minsk Times*.

133. The State news media devotes considerable attention to material aimed at preserving, reviving and supporting the cultures, languages, customs and holidays that bring people from various ethnic backgrounds together through shared cultural traditions. Every year, the media widely covers the Zov Polieśja international festival of ethnic cultural traditions, the midsummer festival known as Kupalje, the national festival of ethnic cultures (in Hrodno), the “Slavic Bazaar in Viciebsk” international festival of art and other events.

134. A competition among members of the print and broadcast media for the best reporting on issues involving inter-ethnic and interfaith relations, intercultural dialogue and cooperation with compatriots abroad, organized by the Ministry of Information together with the Office of the Commissioner for Religious and Ethnic Affairs, is held every year to ensure up-to-date coverage in the media of those topics.

135. Programming on Radio Belarus facilitates the dissemination of information about developments occurring in the country. The station broadcasts programmes around the clock in 8 languages, including 16 hours of broadcasts in Russian, Belarusian, Polish, German, English, French and Spanish and 8 hours of original webcasts in Polish, German, English, French, Spanish and Chinese.

136. The Belarusian news media regularly air reports about State policies on ethnic matters and promote 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 such as *Nature (Belarus-1)*, *The Power of Faith*, *Talks about the Spiritual* and *Relics of Belarus (Belarus-3)*, *Sunday Sermon (ONT)* and others.

IV. Comments on the Committee’s concluding observations

137. In its concluding observations dated 29 August 2013, the Committee expressed concern and made recommendations on a number of issues that will be discussed in this section.

Paragraph 8

138. Under article 20 (2) of the Act of 10 January 2000 on the Laws and Regulations of Belarus, the rules of law contained in the international agreements to which Belarus has acceded form part of national legislation and are directly enforceable, except where such enforcement requires the adoption (promulgate) of a domestic legal act. Thus, in the absence of a definition of racial discrimination, the provisions of article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966 may be referred to.

139. The lack of a single regulatory act on discrimination is due to the desire to avoid duplication of the legal rules of existing legislation on this issue. Racial discrimination is prohibited under all special sectoral legislation of Belarus (concerning labour relations, media activities, advertising, public service and other areas).

Paragraph 9

140. Belarusian legislation provides for criminal prosecution for incitement to racial discrimination under articles 16 (5) and 130 of the Criminal Code. The persons subject to these provisions of the Criminal Code include anyone who is competent to stand trial and is over 16. Officials who have committed the crime using their official powers are subject to liability in particular under article 130 (2) of the Code, which constitutes an exception to the above. Criminal liability is incurred by specific members of “racist organizations” for unlawful acts committed by them.

141. The commission of an administrative or criminal offence on grounds of racial, ethnic or religious hatred is recognized as an aggravating circumstance under both the Code of Administrative Procedure (art. 7.3) and the Criminal Code (art. 64).

142. A definition of “extremism” is provided in article 1 of the Anti-Extremism Act of 4 January 2007 (see para. 15 above).

143. The liability of natural persons for extremist activities is incurred in accordance with criminal law.

144. Article 361¹ (Establishment of Extremist Organizations), which was added to the Criminal Code in accordance with Act No. 358-Z amending certain national legislation, provides for punishment in the form of restriction of liberty for up to 5 years or deprivation of liberty from 3 to 7 years for the establishment of an extremist organization or the leadership of such an organization or membership in its branch organizations; the penalty for the same acts, if committed repeatedly or by officials using their official powers, is punishable by restriction of liberty for 3 to 5 years or deprivation of liberty for 6 to 10 years.

145. Furthermore, the following are treated as crimes under the Criminal Code:

(1) Acts carried out with the aim of the deliberate complete or partial destruction of any racial, national, ethnic or religious group or group defined on the basis of any other criterion whatever, either by killing members of that group or inflicting grievous bodily harm on them, or intentionally creating living conditions calculated to achieve the complete or partial destruction of that group, or transferring children by force from one ethnic group to another or adopting measures to prevent childbirth within that group (art. 127 (Genocide))

(2) Deportation, unlawful detention, enslavement, mass or systematic punishment without a court hearing, kidnapping leading to the victim’s disappearance, torture or acts of violence committed on grounds of racial, national, or ethnic background or political beliefs or religious faith of civilians (art. 128 (Crimes against the security of the person))

(3) Deliberate actions aimed at inciting racial, ethnic, religious or other social hostility or discord by reason of racial, ethnic, religious, linguistic or social background (art. 130)

(4) Murder on grounds of racial, ethnic or religious hostility or discord or political or ideological hostility or on grounds of hostility or discord with regard to a social group of any kind (art. 139 (2) (14))

(5) Intentional grievous bodily harm on grounds of racial, ethnic or religious hostility or discord or political or ideological hostility or on grounds of hostility or discord with regard to a social group of any kind (art. 147 (2) (8))

(6) Intentional 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, ethnicity, language, origin, official position, financial situation, 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 (art. 190)

(7) Violation of rules of conduct governing military service personnel of equal rank committed repeatedly or on grounds of racial, ethnic or religious hostility or discord or political or ideological hostility or on grounds of hostility or discord with regard to a social group of any kind (art. 443 (2))

Paragraph 10

146. The Counter-Terrorism Act, adopted on 3 January 2002, does not target human rights defenders promoting the elimination of racial discrimination. The main reason for adopting the Act was the need to implement preventive measures for combating terrorism in view of the increased number of conflicts owing to terrorism in the world.

147. The provisions of the Act are not contrary to the articles of the Convention. Moreover, the Act was amended in 2002 in order to preclude a broad interpretation of the text. As a result, on 12 November 2012, the Act of 26 October 2012 amending certain national legislation on combating terrorism and extremism entered into force. Through this Act, amendments were also introduced in the Counter-Terrorism Act of 3 January 2002.

148. In particular, the concept of terrorism was completely revised: terrorism is now viewed not as an act but rather as a destructive phenomenon of the modern world. Thus, article 3 (8) of the Counter-Terrorism Act states that terrorism is a social and political criminal phenomenon consisting in the ideology and practice of using violence or the threat of violence to influence decision-making by the authorities, obstruct political or other public activities, provoke international tension or war, terrorize the population or disrupt public order.

149. An individual act of terrorism is an outward expression of terrorist ideology. Article 3 (10) of the Act establishes that an act of terrorism should be understood to mean the causing of an explosion, fire or flooding or the commission of other acts that pose a danger to public safety or create a risk of death, bodily harm or other serious consequences for terrorist purposes. Accordingly, the key to defining an act of terrorism is the presence of a specific terrorist purpose. In this connection, an act that poses a danger to public safety can only be classed as an act of terrorism when it is committed for the following purposes:

- Influencing decision-making by the authorities
- Obstructing political or other public activities
- Terrorizing the population
- Destabilizing public order

150. The Counter-Terrorism Act lists other crimes of a terrorist nature which constitute an exceptional danger to modern society and which, if carried out, cause massive loss of life and destruction of material and spiritual values. From 2013 to 2015, no one in Belarus was convicted under the following articles of the Criminal Code: 124 (Act of terrorism against a member of a foreign Government or international organization); 126 (Act of international terrorism); 289 (Act of terrorism); 290 (Threat to commit an act of terrorism); 290-1 (Financing of terrorist activity); 290-2 (Facilitating terrorist activity); 290-3 (Undergoing training or other preparation for participation in a terrorist organization); 290-4 (Establishment of an organization for conducting or participating in terrorist activity); 290-5 (Organization of activities of terrorist organizations or participation in the activities of such organizations); 359 (Act of terrorism against a State official or public figure); and 361 (Calls for action aimed at causing harm to the national security of Belarus). One person

was convicted in 2014 and four in 2015 for offences under article 291 of the Criminal Code (Hostage-taking).

151. The Council of Ministers adopted decision No. 810 of 21 August 2014 on expert commissions for assessing content for the presence (or absence) of signs of extremism in it.

152. In accordance with that decision, in 2014, a system of commissions was set up to analyse content for the presence (or absence) of signs of extremism. In October 2014, the National Expert Commission for the assessment of content for the presence (or absence) of signs of extremism attached to the Ministry of Information conducted a study of more than 360 examples of content with a view to determining (or establishing) the presence (or absence) of signs of extremism in them. Of these, 68 were found to show signs of extremism (incitement to racial, ethnic or religious animosity or discord, advocacy of the exclusivity, superiority or inferiority of persons by reason of their racial, ethnic or religious background or advocacy and public displays of Nazi symbols and paraphernalia).

153. The rollout of the work of the expert commissions in the provinces began in 2015. As at 1 January 2016, the provincial commissions reviewed a total of 1,279 examples of content for analysis with a view to determining (establishing) the presence (or absence) of extremism in them. Among them, 166 examples showed evidence of extremism.

154. Content is subject to an assessment pursuant to submission from the authorities, organizations, voluntary associations and private businesses.

Paragraph 11

155. The Committee's recommendation that article 14 of the Labour Code be amended with a view to more explicitly prohibiting indirect discrimination may be considered when the Code comes under a comprehensive review. However, there is no clear need for such an amendment. The provisions of article 14 of the Labour Code are in line with International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the definition of the term "discrimination" that is set forth in this basic provision covers both direct and indirect discrimination.

156. In accordance with the Act of 8 January 2014 amending the Labour Code, which entered into force on 25 July 2014, article 14 (1) of the Code, as amended, specifies a number of factors of discrimination, such as social origin, age and place of residence. The list of such factors is an open one, i.e. any factors that are unrelated to professional competence or are not associated with the job description or status of the worker may be considered discriminatory, which may serve as grounds for bringing the employer to justice in accordance with the national law.

157. Thus, under the current provisions of article 14, all discrimination — namely, the restriction of employment rights or the granting of any benefit on the basis of sex, race, ethnic origin, language, religious or political convictions, membership or non-membership in trade unions or other public associations, financial situation, official position, age, place of residence or physical or mental disabilities that do not hinder the performance of the job duties concerned or other circumstances unrelated to professional competence or not specified in the worker's job description — is prohibited.

158. Persons who believe that they have been subjected to discrimination in employment relations have the right to bring action before the courts to end the discrimination.

Paragraph 12

159. In judicial practice, there have been isolated incidents in which one of the motives for committing unlawful acts has been racial discrimination.

160. For example, in 2014, in its decision against Mr. I. D. Mieleško, who posted files on the Internet containing images of Hitler and swastikas, drawings expressing contempt for Jews and blacks, promoting Nazi and anti-Semitic ideas and defaming other population groups, photographs of airsoft sport grenades marked with swastikas and text and image files with information on how to produce and use explosive devices and petrol bombs, the Moscow District Court of Minsk characterized such acts as the advocacy and public display of Nazi symbols and paraphernalia over the Internet, the dissemination of extremist materials in the absence of an *indicium* of a crime and the unlawful production and distribution of guidance and other material on how to make explosive devices and substances.

161. In 2014, in its decision against Mr. P. G. Chalilov, who kept 292 copies of practical guides to anarchism, leaflets and labels advocating disturbing the peace and undermining the system of government, the Soviet District Court of Minsk characterized such acts as storage for the purpose of disseminating extremist materials in the absence of an *indicium* of a crime.

162. Under the current legislation of Belarus (for example, the Code of Civil Procedure, the Procurator's Office Act of 8 May 2007 and the Act on Appeals by Citizens and Legal Persons of 18 July 2011), victims of racial discrimination may bring an appeal for acts of discrimination before the higher body to which the offending authority or official reports, a public body, the procurator's office or the court. Appeals to higher authorities and the prosecutor's office are free of charge and there are minimal formal requirements with regard to the content of such appeals. Victims may submit complaints verbally, in writing or electronically.

Paragraph 13

163. Article 60 (2) of the Constitution provides that citizens have the right to sue for material and non-material damage in order to defend rights, freedoms, honour and dignity.

164. Under article 148 (1) of the Code of Criminal Procedure, during criminal proceedings, civil suits brought by natural or legal persons are also considered, as are civil suits filed by a procurator for compensation of material or moral injury resulting directly from an offence or from the actions of a person unfit to plead when such actions are recognized by criminal law to be dangerous to society. Under article 149 (1) of the Code of Criminal Procedure, from the beginning of a criminal case until the end of the hearing of evidence, natural or legal persons who have suffered prejudice owing to an offence or the actions of a person unfit to plead (when such actions are recognized by criminal law to be dangerous to society) and the representatives of such persons are entitled to bring civil action against the accused or those who bear liability for their actions.

165. Chapter 58 of the Civil Code, entitled "Obligations arising out of harm caused", covers the grounds, conditions and procedures for compensation for harm.

166. In accordance with article 933 (1) of the Code, for example, the harm caused to a citizen's person or property is subject to full compensation by the person who caused it. Persons responsible for causing harm must provide compensation in kind for harm or compensation for loss caused (Civil Code, art. 951).

167. In accordance with article 152 of the Code, when non-material damage (physical or mental suffering) is incurred by a citizen from acts that violate his or her personal non-property rights or infringe on other intangible benefits belonging to the citizen, and in other cases provided for by law, the citizen may seek monetary compensation from the offender for such damage. In determining the amount of compensation for non-material harm, the court must take into account the degree of fault on the part of the offender and other

noteworthy circumstances. The court must also take account of the degree of physical and mental suffering connected with the individual circumstances of the injured party.

168. In addition, the provisions of the Code concerning compensation for harm are of a universal nature, i.e. they are applicable in all cases regardless of whether the harm was caused as a result of racial or other discrimination or as a result of actions that are not of a discriminatory nature. Furthermore, the specific reference in the Civil Code to compensation of harm caused as a result of racial discrimination would be inconsistent with the reasoning behind the legislative act (the grounds for differentiation are unclear, the specifics of civil liability are lacking etc.) It should be borne in mind that offences involving racial discrimination are not currently a feature of established law enforcement practice.

Paragraph 14

169. The independence of the judiciary in Belarus is a constitutional principle. In accordance with article 110 of the Constitution, in administering justice, judges must be independent and subject only to the law. Any interference in the work of judges in administering the law is inadmissible and punishable by law.

170. Judicial reform has been carried out in accordance with Presidential Decree No. 6 of 29 November 2013 on Improving the Judicial System, Presidential Decree No. 529 of 29 November 2013 on Certain Questions of the Operation of the Courts and Presidential Decree No. 530 of 29 November 2013 on Certain Questions of Improving the Enforcement of Judicial Decisions and Other Enforcement Orders. A single system of courts of general jurisdiction began to operate in Belarus on 1 January 2014, which is made up of the Supreme Court, the provincial courts and the Minsk City Court, district and city courts, provincial economic courts and the Minsk City Economic Court.

171. The law guarantees the independence of judges and lay judges. Provisions establishing guarantees of the independence of judges and lay judges are contained in the Code of Economic Procedure (art. 12), the Code of Civil Procedure (art. 11), the Code of Criminal Procedure (art. 22), Code on the Judicial System and the Status of Judges (art. 85), and the Code of Administrative Procedure and Enforcement (art. 2.13).

172. Under article 4 of the Bar and Advocacy Act (No. 334-Z of 30 December 2011), the organization of the bar and the work of legal advocates is based on the following principles: provision of the constitutionally guaranteed right to legal assistance; due process of law; access to legal assistance; independence of lawyers in the exercise of their professional activities; lawyer-client privilege; use of all ways and means not prohibited by law to defend the rights, freedoms and interests of the client; maintenance of the quality of legal assistance; prohibition against interference in the professional work of lawyers by the bodies in charge of criminal proceedings and other authorities, organizations and officials; and observance of the Lawyers' Rules of Professional Conduct. This Act governs other issues involving the legal profession and helps lawyers to fulfil their obligations effectively with a view to defending citizens' rights, freedoms and interests and ensuring access to justice.

Paragraph 15

173. Belarus is continuing to learn from international experience regarding the establishment of a national human rights institution.

174. From 2011 to 2012, the National Centre for Legislative and Legal Research studied public opinion on the advisability of establishing a national human rights institution of the most appropriate kind and on the main questions relating to the activities that the institution would carry out. The research demonstrated that public opinion was divided regarding the

establishment of such an institution. It was suggested that international experience concerning the work of similar institutes should be carefully studied.

175. On 18 July 2014, in Minsk, as part of efforts to implement the recommendations from the first cycle of the universal periodic review conducted by the Human Rights Council, and also as a way to learn from international experience, an international seminar took place entitled “Establishing and operating national human rights institutions”.

Paragraph 16

176. In general secondary education establishments of Belarus, Roma children attend school in accordance with general practice. All requirements under the laws and regulations on general secondary education apply to them.

177. In cases where it is found that children have not attended classes, the education departments and boards of education, sport and tourism of the district and city executive committees petition the relevant authorities to impose penalties in accordance with the law against children’s legal representatives who have not taken the necessary steps to provide their children with a general basic education.

178. In accordance with article 10 of the Employment Act, State policy in the promotion of employment is aimed at guaranteeing equal opportunities for all citizens to exercise the 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.

179. Belarus prohibits the use in the media of negative stereotypes with respect not only to the Roma communities but also any other ethnic or social group or individual.

Paragraphs 17 and 18

180. Belarus is continuing to increase its efforts to combat human trafficking. Steps are being taken in Belarus to combat trafficking in persons and protecting victims of such trafficking under the State programme for combating crime and corruption.

181. Belarus is a party to all the universal instruments of the United Nations on combating human trafficking.

182. As a non-member of the Council of Europe, Belarus acceded to the Council of Europe Convention on Action against Trafficking in Human Beings on 26 November 2013. The Convention entered into force for Belarus on 1 March 2004.

183. Within the framework of the work of the Council of Heads of State of the Commonwealth of Independent States (CIS), Belarus endorsed the Policy Framework for Cooperation among the States Members of the Commonwealth of Independent States to Combat Human Trafficking, which is aimed at facilitating the expansion and strengthening of cooperation in the fight against transnational crime.

184. Further steps have been taken to improve national legislation.

185. The Trafficking in Persons Act, adopted in July 2012, incorporated and streamlined the provisions of all previous laws and regulations in this area. Well-established best practices, crime trends and international experience with combating trafficking in persons were taken into account when drafting the law.

186. The Act amending the Trafficking in Persons Act was adopted on 16 December 2014. The Act sets forth an expanded definition of trafficking in persons and provides a basis for identifying and referring victims of human trafficking for rehabilitation; provision is also made for a 30-day period during which victims may undergo rehabilitation and consider whether to seek criminal prosecution. Work began on a new version of the Act in June 2015.

187. Pursuant to the Act, the Council of Ministers adopted decision No. 485 on 11 June 2015, approving the regulations governing the procedure for identifying victims of trafficking, the procedure for completing the questionnaire for citizens who could be the victims of human trafficking or related crimes and the procedure for submitting the information contained therein, which entered into force on 22 June 2015. Members of international and non-governmental organizations were actively involved in drafting the regulations.

188. The key points of the regulations may include:

- The introduction of a single questionnaire when dealing with victims of trafficking in persons
- A harmonized approach to collecting information on victims of trafficking and the assistance provided
- A single set of procedures for identifying victims and completing questionnaires and referring them for assistance
- And a clear definition of the role to be played by the authorities and also non-governmental associations and international organizations in identifying, referring and assisting victims of trafficking in persons

189. A number of regulations have been passed in the country to improve the rehabilitation assistance provided to human trafficking victims.

190. The Council of Ministers passed resolution No. 122 on the procedures for defraying the costs of lawyers providing legal assistance to victims of trafficking in persons and victims of terrorist acts on 6 February 2012.

191. Furthermore, the Act of 5 January 2015 amending the Criminal Code, the Code of Criminal Procedure, the Penalties Enforcement Code, the Code of Administrative Offences and the Code of Administrative Procedure and Enforcement provides for the amendment of article 181 (Trafficking in persons) of the Criminal Code, whose provisions have been brought into line with those of the Council of Europe Convention on Action against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

192. Criminal penalties for paedophilia have also been increased: under article 168 (2) of the Criminal Code, as amended, acts committed by a person who has previously committed a crime provided for under article 168 (Sexual intercourse and other acts of a sexual nature with a person under the age of 16), article 166 (Rape) and article 176 (Abuse of guardianship and tutelage rights) of the Code, or by a person who is responsible for the upbringing, care, safety and health of a minor or a group of persons are punishable by deprivation of liberty for a period of 3 to 10 years. The issue of imposing liability for possessing and collecting child pornography and grooming is under consideration.

193. Since 2011, a multidisciplinary team has been operating to identify victims of trafficking in persons and provide them with referrals and assistance.

194. Combating human trafficking is a priority of the Government of Belarus. For a number of years, Belarus has been committed to enhancing international efforts to counter human trafficking and has consistently promoted initiatives to eradicate the problem worldwide.

195. Upon the initiative of Belarus, the General Assembly adopted resolutions on improving the coordination of efforts against trafficking in persons at its sixty-eighth session (November 2013) and seventieth session (November 2015). Under the resolution, the General Assembly decided to designate 30 July as the World Day against Trafficking in Persons, to be observed every year beginning in 2014.

196. In May 2014, the twenty-third session of the United Nations Commission on Crime Prevention and Criminal Justice saw the adoption of a resolution introduced by Belarus on preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal.

197. In May 2015, the Commission on Crime Prevention and Criminal Justice adopted a resolution introduced by the Belarusian delegation on implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons.

198. A programme of cooperation among countries of the Commonwealth of Independent States in combating trafficking in persons for the period 2014-2018, adopted by a decision of the Council of the Council of Heads of State of the Commonwealth of Independent States on 25 December 2013, provides for standard-setting work to improve and harmonize laws concerning efforts to combat human trafficking, practical arrangements and preventive measures to counter such trafficking, victims assistance, awareness-raising, research, human resources and financial support.

199. The law makes provision for the following types of free government assistance for victims of trafficking in persons: temporary accommodation, including board and lodging; legal aid, including free legal aid from members of the Bar; medical care (as determined according to a list of the Ministry of Health), including on an inpatient basis, regardless of the victim's place of permanent residence; counselling; tracing of the families of child victims of trafficking, or placement of such children in a foster family or, if this is not possible, in a children's home; assistance in finding permanent work; and financial support.

200. Belarus has developed a network of emergency shelters known as "crisis rooms" to assist victims of trafficking in persons and victims of violence. As of 1 January 2016, 109 such rooms were in operation (compared with 50 as of 1 January 2013).

201. Every case of human trafficking and trafficking-related offences that comes to light is promptly and thoroughly investigated. In Belarus, the maximum penalty for human trafficking is 15 years' imprisonment and confiscation of property.

202. In Belarus, victims of trafficking in persons are citizens who have directly experienced trafficking in persons or offences involving such trafficking (in the period 2013-2016, 407 victims of trafficking in persons were identified).

203. Between 2013 and 2016, 8 cases of trafficking in persons and 253 offences involving such trafficking were brought to light, including, respectively, 6 and 65 cases in 2013, 0 and 50 in 2014, 1 and 98 in 2015 and 1 and 40 in 2016.

204. Belarus has signed a bilateral agreement on combating trafficking in persons with Turkey. Belarus also cooperates with other countries in combating trafficking in persons within the framework of bilateral and multilateral treaties on judicial assistance in criminal matters.

205. Between 2013 and 2015, Belarus entered into an inter-State agreement with the Russian Federation on enhancing the effectiveness of collaboration in the fight against

crime, agreements on cooperation in the fight against crime with Georgia and Serbia and agreements on cooperation between Offices of the Procurator General with Kazakhstan and Cuba.

206. Considerable attention has been given to professional training and staff development of persons dealing with trafficking in persons.

207. In operation since 2007, in 2008, the International Training Centre on Migration and Combating Human Trafficking in Minsk became the main training facility for the States members of the Commonwealth of Independent States for training, upgrading skills and staff development in the area of migration and combating human trafficking. More than 1,500 persons from 30 States have received training at the Centre.

208. Leading international experts are called in to provide training at the Centre and have been involved in designing training courses in combating, among other things, human trafficking, illegal migration and child pornography on the Internet.

209. The Centre carries out international technical assistance projects through the International Organization for Migration (IOM), the Office of the High Commissioner for Human Rights, and the United Nations Office on Drugs and Crime.

210. Since 2005, the Ministry of Internal Affairs Academy has been training specialists from the criminal militia on countering human trafficking.

211. In 2015, approximately 160 specialists from labour, employment and social welfare agencies in every province and in Minsk undergo a training course organized by IOM entitled "Raising awareness among specialists from labour, employment and social welfare agencies about trafficking in persons".

212. In Belarus, public awareness-raising campaigns on preventing human trafficking are conducted on a regular basis.

213. A hotline using a short three-digit number (113) operates continuously to educate citizens about and ensure access to information on action against human trafficking.

214. Booklets with the following titles are produced and distributed: *Problems of Trafficking in Persons in Belarus, Trafficking in Persons, No to Trafficking in Persons, Twenty-first Century: The Problem of Slavery and Trafficking in Persons, 113: Hotline for Questions about Safe Travel Abroad, A Minute of Carelessness, a Lifelong Problem, Job Placement and Education Abroad, Tips on Safe Travel Abroad, The Price of a Live Commodity, Combating trafficking in Women in Belarus, Stop Traffic, Avoid Being Sold into Slavery, On Safe Travel Abroad and others.*

215. With a view to increasing awareness in Belarusian society about the negative consequences of trafficking in persons in the country, since 2014, aware-raising campaigns have been timed to coincide with World Day against Trafficking in Persons.

Paragraph 19

216. In 2015, Belarus signed the Convention on the Rights of Persons with Disabilities. Laws and regulations concerning the expression of consent of Belarus to be bound by the Convention are now being prepared, and a range of measures to ensure that its provisions are implemented at the national level is being developed.