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Summary record of the 5th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 February 2022, at 9 a.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 9.05 a.m.

Consideration of reports *(continued)*

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

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

1. *At the invitation of the Chair, the delegation of Belarus joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members.
3. **Ms. Velichko** (Belarus), speaking via video link, said it was regrettable that the Committee had used the reports of the Special Rapporteur on the situation of human rights in Belarus as a source of information. Belarus did not recognize the Special Rapporteur's mandate, which had been established for political reasons with a view to generating ill-will towards the country. The Special Rapporteur had not visited Belarus, was ignorant of the situation in the country and relied on sources known to be unreliable.
4. Although the Committee had explained that the issue of the sanctions imposed on Belarus fell outside its mandate, it had previously taken the position that sanctions had a negative impact on the exercise of human rights. In its general comment No. 8 (1997), for example, the Committee had stated that sanctions always had a dramatic impact on the rights recognized in the Covenant and that they often caused significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardized the quality of food and the availability of clean drinking water, severely interfered with the functioning of basic health and education systems and undermined the right to work. In that connection, it was also important to take into account the work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.
5. **Ms. Dakukina** (Belarus), speaking via video link, said that the labour market in Belarus was stable. If measured in accordance with the methodology of the International Labour Organization, the unemployment rate among persons of working age had fallen from 5.6 per cent in 2017 to 4 per cent in 2020. The employment-to-population ratio had increased over the same period.
6. Forced labour was banned under the Constitution and the Labour Code. Work performed by a convicted person in accordance with a court sentence or by a person required to work in accordance with a court order under Presidential Decree No. 18 of 24 November 2006 on additional measures for the State protection of children in disadvantaged families was not regarded as forced labour. Persons who were required to work in accordance with a court order were entitled to annual and parental leave. At the beginning of 2022, approximately 7,000 persons had been working in accordance with a court order. So-called Saturday workers were not performing forced labour. They participated in the tradition on a voluntary basis for their own personal fulfilment.
7. The Government had taken steps to expand employment opportunities for persons with disabilities. For example, they had access to career guidance services and vocational training and retraining courses. The State Employment Service found positions for over 65 per cent of the persons with disabilities who sought assistance in finding work. Persons with disabilities could also access support to launch their own businesses. Online career fairs were organized in every region to facilitate the process of finding work. In 2020, in response to a proposal put forward by voluntary associations of persons with disabilities, the Tax Code had been amended to exempt organizations from paying value-added, corporate and property taxes if at least 30 per cent of their employees had disabilities. In late 2021, in response to another proposal, the Tax Code had again been amended to provide for further exemptions.
8. **Ms. Maslouskaya** (Belarus), speaking via video link, said that a worker's wages did not depend on his or her sex, age, ethnic or social origin or other characteristics. Article 42 of the Constitution enshrined the right to equal remuneration for work of equal value. Under the Labour Code, wages were set in accordance with the complexity, quantity, quality and conditions of work and the worker's skill level and position or occupation. The gender wage

gap in Belarus could be attributed to the fact that women tended not to work in sectors with arduous, harmful and hazardous conditions, in which wages were higher. In addition, owing to childcare responsibilities, women were more likely than men to work part-time. According to the National Statistical Committee, women's wages as a proportion of men's ranged from approximately 73 per cent in the manufacturing sector to over 90 per cent in the education sector.

9. In the knowledge that increased incomes led to improved living standards, the Government increased the minimum wage and the wages of employees of public bodies every year. Average wages had increased over the period 2016–2020 and the rate of financial insecurity had fallen significantly in recent decades. Persons in difficult circumstances and low-income families were eligible for targeted State social assistance.

10. Article 41 of the Constitution enshrined the right to strike. According to article 388 of the Labour Code, a strike was defined as a temporary, deliberate refusal by workers to perform their work duties with the aim of resolving a collective labour dispute. Restrictions on the exercise of that right could be prescribed by law if they were necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others. Strikes could be called only as a measure of last resort after all constructive alternatives had failed. In accordance with an amendment introduced to the Labour Code on 28 May 2021, it was forbidden to make political demands during a strike.

11. The outcome of the presidential election held on 9 August 2020 had given rise to protests of a highly political character. The protests had not been uniformly peaceful, as the participants had committed various offences, including acts of violence and criminal damage. There had been attempts to call strikes in some workplaces, but the organizers had not respected the rules set out in the Labour Code, since there had been no collective labour dispute to resolve, and no demands had been made to the employers concerned. The strikes had ultimately been intended to send a political message. The participants had violated the terms of their employment contracts and had thus been liable to dismissal on disciplinary grounds.

12. **Ms. Belash** (Belarus), speaking via video link, said that, in 2020, fathers had acquired the right to take a period of leave soon after the birth of a child. Employers were required to authorize such leave. In 2020, only 1 per cent of the total number of eligible fathers had availed themselves of that right. A similarly low proportion of fathers of children aged under 3 years used the parental leave to which they were entitled. The Government would continue working to ensure that childcare responsibilities were shared more equally.

13. **Mr. Rumak** (Belarus), speaking via video link, said that, in Belarus, there were five registered non-governmental organizations (NGOs) that worked to integrate Roma persons. The head of Belarusian Roma Diaspora was a member of the Inter-Ethnic Advisory Council under the Office of the Commissioner for Religious and Ethnic Affairs and participated in the Council's work on an equal footing with the leaders of other organizations.

14. A comparison of the 2009 and 2019 censuses revealed that the number of Roma persons with higher education had increased from 28 to 565 over that period. For several years, the Homiel provincial voluntary organization Social Projects had been working with local authorities to implement a project entitled "Roma education – a new vision for the future", which was aimed at improving educational outcomes for Roma children. In 2022, the project would be rolled out nationwide. The Roma Road project was being implemented to improve the lives of older Roma persons.

15. To encourage media outlets to report on the positive aspects of Roma life, dispel stereotypes about the Roma community and increase media coverage of the topic of Roma integration, a competition for journalists entitled "Roma persons of Belarus: opportunities for integration" had been launched. In November 2021, an exhibition entitled "Who are you, Roma people?" had been held in Homiel as part of a joint Belarusian-German initiative.

16. **Mr. Kralko** (Belarus), speaking via video link, said that a person could be referred to a substance abuse recovery clinic or labour treatment facility only on the basis of a court order. Such referrals had nothing to do with the criminal justice process. Those facilities provided social and medical rehabilitation, which was defined in article 1 of the Act on the

Procedure and Conditions for the Referral of Citizens to Substance Abuse Recovery Clinics and the Living Conditions Within Them as the process of overcoming alcohol or substance dependence and becoming ready to live in society.

17. A referral to a treatment facility provided the opportunity to acquire an experience of regular work, which played a key role in development of the knowledge and skills needed to behave in a law-abiding and socially acceptable manner. Those referred to a treatment facility might have financial obligations towards others or the State, for example an obligation to reimburse the State for child maintenance costs. On the basis of article 23 of the Constitution, the Constitutional Court had taken the position that such persons could lawfully be required to perform work. In accordance with article 39 of the Act, work was one of the principal means of social and medical rehabilitation. Work placements were tailored to the age, capacity to work, state of health, skills and qualifications of each person. Those referred to a treatment facility had their attitude to work transformed through one-on-one coaching aimed at highlighting its importance for their subsequent social integration.

18. Articles 42 and 43 of the Act regulated the provision of vocational training and retraining, skills development and career guidance. Such activities were prioritized in the final stage of each person's individualized social and medical rehabilitation programme. Persons referred to a treatment facility received support to learn a trade for which there was demand in the labour market. At some facilities, training was provided by educational institutions. In the 2020/21 academic year, over 500 persons had received vocational training in 15 different in-demand trades. A further 300 persons were currently taking such training.

19. Those referred to treatment facilities were persons dependent on alcohol or other substances who led an antisocial lifestyle, regularly violated public order, had significant social adjustment problems, were prone to unruly behaviour and did not respect norms of conduct and the rights and freedoms of others. Their alcohol or substance dependence and social integration problems could not be addressed without isolating them from destructive influences. Referrals to treatment facilities played an important role in preventing the commission of criminal offences.

20. **Ms. Shin** (Country Rapporteur) said that she had not expressed any opinion about the legitimacy of the sanctions or denied their counterproductive nature. However, the dialogue with the Committee was not the appropriate forum in which to request the lifting of sanctions; that should be done before the bodies that had imposed them. The Committee was aware of the potential impacts of sanctions, which it had discussed in its general comment No. 8 (1997). However, even under sanctions, the State party was obliged under article 2 (1) to ensure the progressive realization of Covenant rights.

21. **Mr. Windfuhr** (Country Task Force) said that the delegation could inform the Committee if the sanctions were affecting the level of the State party's available resources within the meaning of article 2 (1) of the Covenant.

22. He would like to know what measures were in place to improve access to the formal labour market for persons with disabilities, particularly through provisions for reasonable accommodation. He would like to hear the delegation's response to reports that workers attempting to set up independent trade unions were being obstructed and harassed. He wished to know whether the gender wage gap led to lower pensions for women, particularly older women living alone. He would like to understand what happened to unemployed persons when the 26-week period for the payment of unemployment benefit expired and to have more information on the basic financial assistance available to those in dire need, including the eligibility criteria and the decision-making procedure.

23. **Mr. Abashidze** said that sanctions could be applied only by the Security Council. The measures adopted in respect of Belarus by Western States were unilateral coercive measures, which were incompatible with international law and the obligation to engage in international assistance and cooperation under article 2 (1) of the Covenant. He would be grateful if the delegation could provide statistics on the specific ways in which unilateral coercive measures were affecting the well-being of the population.

24. **Mr. Hennebel** said that, while sanctions were an imperfect tool, they had been adopted with a view to protecting human rights and putting an end to human rights violations and the instrumentalization of migrants.

25. He would like to know whether any discussions were being held within the Government on reform of the system for rehabilitation in labour treatment facilities, which appeared to be incompatible with the Covenant, and its replacement with a system in which alcoholism and drug addiction were treated medically rather than using compulsory labour.

26. **The Chair** said that, under article 17 (2) of the Covenant, a State party could indicate any factors impinging on the enjoyment of economic, social and cultural rights, including sanctions.

27. **Ms. Velichko** (Belarus) said that, since the Security Council had not decided to apply sanctions in respect of Belarus, the unilateral coercive measures imposed by Western countries were illegitimate and a violation of the Charter of the United Nations. Representatives of the European Union had publicly admitted that the purpose of sanctions was to weaken the social and economic position of Belarusian citizens in order to drive them to social unrest and put pressure on the Government.

28. As the President had pointed out in his recent address to the nation, the Government would make every effort to ensure that sanctions did not affect ordinary citizens, but the economic impact on major companies was significant. For statistics and more detailed information on the impact of such measures, she invited the Committee to read the report that would be submitted to the forthcoming session of the Human Rights Council by the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights.

29. **Ms. Dakukina** (Belarus) said that funding to promote employment for persons with disabilities had increased eightfold in the previous five years under a dedicated State programme. In 2021, around 500 persons with disabilities had been helped with preparation for work. Persons with disabilities had access to specially created jobs, career guidance and vocational training.

30. An individual approach was taken to decisions on the payment of unemployment benefit; the maximum 26-week period could be extended up to 56 weeks depending on the previous period of employment. Following application to the employment service, unemployed persons could usually find work within two months. Jointly with employers, the employment service organized temporary work placements to provide supplementary income to persons living in difficult circumstances.

31. **Ms. Hrachykha** (Belarus), speaking via video link, said that Belarus had 92 residential homes for persons with disabilities, with over 20,000 residents. As provided by law, the homes provided comprehensive social, psychological and rehabilitation services. To promote deinstitutionalization, residential homes also offered respite care, supported living and day services.

32. Occupational therapy was one of the most important services because it facilitated deinstitutionalization and helped maximize the autonomy of persons with disabilities. The residential homes organized rehabilitation workshops, where more than 3,000 persons were employed, and interest-based clubs, in which more than 6,000 persons participated. Occupational therapy could be recommended by a doctor and was offered on a voluntary basis. The psychosocial benefits to participants were significant, especially as the skills needed for work were closely related to those needed for independence in daily life.

33. **Mr. Kralko** (Belarus) said that the provision of health care in line with the relevant legislation was one of the main roles of labour treatment facilities. The country's eight facilities each had an infirmary, which could also carry out dentistry, X-rays and laboratory testing. Specialist care was provided in facilities of the general health system. All inmates were monitored by psychiatrists specializing in substance abuse. Specialists from local health-care establishments were actively involved in the treatment and diagnostic process. Health care was provided to citizens free of charge on the basis of prior consent and funded from the national budget.

34. **Mr. Shcharbinski** (Belarus), speaking via video link, said that more than 300,000 persons, including 51,000 specialist doctors, were currently working in the national health service. The number of specialists had increased over the previous five years. The ratio of physicians per 10,000 population was higher in Belarus than the averages for countries of the European Union and the Commonwealth of Independent States. Staffing levels were thus sufficient to provide all types of health care, including during the coronavirus disease (COVID-19) pandemic.

35. The number of hospital beds per 10,000 population was much higher in Belarus than in neighbouring countries, which had allowed for the prompt hospitalization of all COVID-19 patients during the pandemic while continuing to provide specialized elective treatment. The directors of health-care facilities made independent decisions on the organization of work, which allowed them to increase staffing levels during periods of high levels of COVID-19 infections and thus reduce the physical and psychological burden on staff.

36. Over the previous five years approximately 100 million dollars had been spent on the improvement of physical infrastructure, including the construction and renovation of 88 facilities in all regions of the country. In 2021 alone, 27 health-care facilities had entered into operation. Funding had been provided for further construction and renovation works in the near future. All facilities currently had sufficient supplies of oxygen, ventilators and intensive care devices to treat patients with COVID-19.

37. When various additional payments were included, wages for health-care workers were higher than others in the social sector. In line with a presidential order to maintain the income levels of health-care personnel during the COVID-19 pandemic, optimization of the additional payments was under way. The money saved would be used to increase basic salaries.

38. **Ms. Kirichenko** (Belarus), speaking via video link, said that lawyers in Belarus fulfilled their constitutional role of providing professional legal assistance to uphold the rights, freedoms and legitimate interests of persons and legal entities. The State funded legal assistance for all suspects and accused persons who were unable to pay for a lawyer. The work of lawyers was based on the Bar and Advocacy Act, which was fully compatible with international human rights standards with respect to access to legal services, special safeguards in the administration of criminal justice and requirements for the training and qualification of lawyers.

39. The Act provided that lawyers fulfilled their professional duties subject only to the law and prohibited interference in their work. All national authorities respected the principle of client-lawyer privilege. Lawyers enjoyed broad powers, which allowed them to fulfil their functions in court and in their relations with all types of organizations and officials. In line with the applicable legislation and rules of professional conduct, lawyers had the right to participate in public discussions about the administration of justice and the protection of human rights, by providing accurate and reliable information to the media or disseminating it on the Internet. The role of the qualification commission for lawyers was to assess lawyers' knowledge of legislation, compliance with the Bar and Advocacy Act, professional and personal qualities and ability to fulfil their professional duties in the event of evidence pointing to inadequate qualifications.

40. **Ms. Ravenberg** said that she would like to know what measures were being taken to address physical and psychological violence against children and whether the State party had considered adopting a comprehensive law on combating domestic violence, including against children.

41. Statistics on the number of homeless people, as well as the criteria and indicators used in gathering such data, would be appreciated. In addition, she would like to know how homelessness was defined; whether there had been a review of existing methods for collecting statistics on homelessness; and what steps had been taken to combat discrimination against and stigmatization and negative stereotyping of homeless people. It would also be useful to hear what were the main causes of homelessness in the State party and what steps were being taken to address them.

42. The Committee had received reports that the water supply to the Novaya Borovaya residential area had been interrupted a number of times over a three-day period, depriving some 15,000 residents of their right to water and sanitation – especially crucial during the coronavirus disease (COVID-19) pandemic – and forcing the temporary closure of a local school. Noting that there had been allegations regarding a deliberately damaged valve and deliberate delays on the part of the authorities in having the equipment repaired, she said that it would be useful to have a full account of the incident and of any investigations into it.

43. On the subject of the right to health in the context of the COVID-19 pandemic, she would be grateful for an update on the current situation of the pandemic in Belarus, as well as details of the State party's COVID-19 policies, particularly with regard to people in detention, homeless people, people living with HIV, schoolchildren and persons with disabilities.

44. It seemed that the vast majority of those sentenced to long terms of imprisonment in drug-related cases were in fact drug users, rather than drug traffickers. She wondered whether the State party had considered developing legal mechanisms to distinguish clearly between wholesale commercial drug trafficking and small-scale sales associated with consumption.

45. She would like to know whether the State party had considered changing its laws so as not to punish exposure to or transmission of HIV or, failing that, whether it had considered limiting the application of the law to cases of intentional transmission. She would be interested to learn about any programmes set up to educate law enforcement officers, judges and lawyers about HIV transmission and provide them with international prosecutorial and judicial guidance.

46. Persons with disabilities had been disproportionately affected by the COVID-19 pandemic and by the measures taken by the State party in response to the pandemic. According to information received by the Committee, the situation was compounded by the targeted persecution of disability rights defenders. The Committee would be grateful for information on the measures being taken to improve the accessibility of health-care establishments. It would also appreciate details of the impact of COVID-19 restrictions on persons with disabilities, as well as the involvement of organizations of persons with disabilities in devising the national COVID-19 response.

47. **Ms. Hrachykha** (Belarus) said that homelessness was not an issue of major concern in Belarus. Those who found themselves without a permanent place of residence were generally Belarusian citizens or stateless persons living in Belarus who had failed to register themselves as residents or had lost their resident status or who had no regular source of income. Local authorities regularly conducted activities to address homelessness: for example, with the participation of social service centres and public agencies, teams were sent out to identify people living on the streets, explain to them how they could obtain documentation and invite them to stay at a local shelter, where beds and basic hygiene facilities were available. There were 11 temporary shelters in each district; as a rule, a person could stay for up to six months and, in some cases, up to a year. Those who had did not have the necessary identity documents were offered help to find a job or to secure a pension or, where appropriate, to obtain recognition of a disability.

48. **Ms. Crăciunean-Tatu** said that, especially in diverse societies like that of Belarus, differences in socioeconomic background often made it difficult to exercise one's rights, including in education. It was the State's responsibility to identify individuals who experienced such difficulties and to find ways to uphold their rights, thus guaranteeing equality not only in law, but also in practice. After all, treating individuals who were not on an equal footing equally could be qualified as discrimination.

49. The Committee had received information according to which Roma children faced problems in gaining access to and remaining in school. She would welcome disaggregated data on the situation of Roma children at different levels of education, as well as information on any policies adopted to prevent discrimination against Roma children at school and on measures related to COVID-19 that were specifically tailored to the needs of Roma children.

50. Referring to reports that children with disabilities were more or less automatically channelled towards segregated schools and that parents had no say in the matter, and that

reasonable accommodation was lacking throughout the education system, she said that she would like to know how the State party intended to make education truly inclusive, including through reasonable accommodation measures and specialized training for teachers. While welcoming the amendments to the new Education Code designed to promote inclusive education, she wished to stress the importance of adopting a related action plan to translate principles into practice. She wondered whether the State party planned to introduce any disability-specific recommendations to make school safer for learners with disabilities in the context of the COVID-19 pandemic. It would also be interesting to hear how the State party guaranteed access to education by children in rural areas, as well as children detained in correctional facilities, who were sometimes expelled for absenteeism. With regard to pregnant teenagers, she would like to know what specific measures were in place to help and encourage them to continue their education and to combat gender stereotypes. More information on the steps taken to tackle the negative impact of the COVID-19 pandemic on education, including with regard to distance learning and Internet access, would be appreciated, as would data on the rate of COVID-19 infections in educational establishments.

51. The Committee had received reports that a number of NGOs promoting cultural rights had been banned or dissolved and that cultural figures and institutions were under pressure from the authorities. She would like to know the possible legal grounds for shutting down a cultural institution and the procedure that was followed in such cases. Despite the fact that the Polish minority was the second largest minority in Belarus, only 1 per cent of Polish children reportedly received an education in their native language. The Committee had also been informed that the Polish Cultural Society had been dissolved. If that was true, it would be useful to have a full account of what had happened.

The meeting rose at 11.20 a.m.