



Convention on the Rights of the Child

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Summary record of the 1596th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 25 January 2011, at 10 a.m.

Chairperson: Ms. Lee

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Third and fourth periodic reports of Belarus on the implementation of the Convention on the Rights of the Child (CRC/C/BLR/3-4; CRC/C/BLR/Q/3-4 and Add.1)

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

2. **Mr. Yakzhik** (Belarus) said that the report under consideration had been prepared with the participation of Belarusian non-governmental organizations (NGOs) and published on the website of the Ministry of the Interior. The National Commission on the Rights of the Child, which had been created in 1996, was responsible for the implementation of the Convention and monitoring its further progress. The Commission was chaired by the Deputy Prime Minister and was composed of members of parliament and representatives of central and local authorities, the judiciary and NGOs. It had offices in each region (*voblast*). The Commission had wide powers, including the authority to hear complaints made by children whose rights had been abused.

3. At the beginning of 2010, there had been 1.8 million children in Belarus, who represented 18.9 per cent of the population. The Government gave high priority to raising the birth rate and the National Demographic Security Programme, 2007–2010 had been instrumental in increasing the fertility rate from 1.28 children per woman to 1.44 during that period. The “Children of Belarus” presidential programme 2006–2010 had resulted in improved maternal and child health. The infant and child mortality rates had fallen by half between 2000 and 2009 to 4.7 and 6.1 per 1,000 live births, respectively. By law all children had the right to free medical care. Particular attention had been paid to preventive health and, in 2009, between 98 per cent and 98.7 per cent of children had been vaccinated, above the 95 per cent target established by the World Health Organization.

4. Since the accident at the Chernobyl nuclear power plant in 1986, Belarus had spent over US\$ 20 billion on medical and psychological assistance for children living in the contaminated zone, who made up 13 per cent of Belarusian children. They received regular medical check-ups at health clinics as well as free school meals, and over 65 per cent of them spent a period at a sanatorium each year. Medical and psychological care centres had been set up for adolescents in the contaminated zone in cooperation with the United Nations Children’s Fund (UNICEF). Belarus had also established a network for HIV/AIDS prevention and to provide comprehensive assistance for children who abused psychoactive substances. Antiretrovirals were provided free of charge as part of efforts to prevent the transmission of HIV from mother to child, and 14 information centres were working to raise awareness of HIV/AIDS among young people. Only 95 children were known to be infected with HIV in Belarus. In 2010, with the support of the United Nations Development Programme (UNDP), a thorough study had been conducted of the partnership between public bodies, international organizations and the associations working to combat HIV/AIDS in Belarus and of the effectiveness of the youth information and awareness centres in particular.

5. Belarus spent 4.5 per cent of its gross domestic product on education, and its education indicators were among the best in the Commonwealth of Independent States: 99.8 per cent of students could read and count, 79 per cent of children were enrolled in a preschool, and 100 per cent of 5-year-olds attended nursery school. Major progress had been made in integrating children with special needs, 62 per cent of whom attended schools in the ordinary education system. Courses in Polish, Hebrew, Ukrainian or Lithuanian for children from national minority groups were available at 125 schools. Belarus also had an

extra-curricular education and training system that complemented the school system, in which half of all schoolchildren participated. To promote the right of children to information on the means available to them to defend their rights, a website on children's rights had been launched, together with an intense information campaign. The Convention and its protocols were an optional subject in schools. The Belarusian authorities had increased the number of their partnerships with NGOs and sought international technical assistance to help children who were HIV-positive, child victims of domestic violence or human trafficking and children with disabilities.

6. To protect families with children, about 25 per cent of children were covered by State grants and a particular effort was made to ensure that all children under the age of 5 received sufficient food and adequate nutrition. Children up to the age of 7 and children with disabilities up to the age of 18 travelled free on public transport. Families with three or more children and families with children with disabilities were eligible for tax discounts and low-cost loans for purchasing or building a home. Some were even entitled to free social housing. Belarus avoided systematically placing orphans in institutions. The goal was to close half the orphanages in the country by 2015 and to have most orphans living with foster families.

7. All children could contact the National Commission on the Rights of the Child, the Commission for Minors' Affairs, the guardianship service, the public prosecution service or the courts to lodge a complaint, claim their rights or protect their interests. Child victims of domestic violence could call a 24-hour hotline, and a centre to prevent violence against children was due to be opened in 2011 with the technical support of UNICEF and the United Nations Population Fund (UNFPA), which had put forward various projects to combat domestic violence.

8. Belarus did not yet have a separate system of justice for minors, but the relevant laws had been improved and the regulations in force on the administration of justice to minors were applied in practice. The assistance of UNICEF had been requested to set up a justice system for minors. In criminal matters, minors were deprived of their liberty only in extreme cases.

9. As a country of origin, transit and destination for child victims of trafficking, Belarus was prioritizing the issue and had ratified all the international instruments on the subject. The Criminal Code penalized no fewer than six offences related to human trafficking and other forms of slavery. Traffickers were sentenced to up to 15 years' imprisonment and people involved in child pornography received sentences of up to 13 years. Belarus was preparing a bill that would cover all forms of human trafficking and was working to bring the country's domestic legislation into line with the Council of Europe Convention on Action against Trafficking in Human Beings. The third action plan against trafficking of children, for 2011–2013, had been adopted by presidential decree in 2010. The State cooperated closely with international organizations in the fight against human trafficking and had recently set up a centre in Minsk to research migration and trafficking, with the support of the International Organization for Migration (IOM). Belarus had been one of the first countries to contribute to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons. In 2010, 26 cases of child victims of trafficking had been recorded. The children in question had been rehabilitated with the assistance of the Ministry of Education and various organizations: 14 had been rescued from prostitution and 11 from child pornography.

10. Belarus was a politically stable country and was not going through any military, ethnic or religious conflicts. Nobody under the age of 18 therefore participated in any hostilities. The military enlistment or use of persons under the age of 18 was strictly prohibited by law. In the event of a general mobilization of the armed forces, no child under the age of 18 could be called up. Belarus had achieved several of the Millennium

Development Goals, including those on the eradication of extreme poverty and hunger, universal primary education, gender equality promotion and the empowerment of women.

11. **Mr. Zermatten** (Country rapporteur) said that about 250,000 children were living in the Chernobyl disaster contamination zone, where there was still some radioactivity that caused health problems, including early cancers. Belarus was to be commended for the effectiveness of its poverty-reduction strategy, the school attendance rate that was close to 100 per cent, the forthcoming creation of a special justice system for minors and the priority it accorded to placing children with foster families rather than in orphanages.

12. Belarus had adopted a considerable amount of new legislation over the previous few years, but mostly by presidential decree and without the texts being submitted to Parliament. That raised the question as to whether the State party had effectively brought domestic legislation into line with the Convention and its Protocols and whether the Convention could be invoked directly in court.

13. He wished to know which ministry coordinated the implementation of the Convention, how action was coordinated among the centralized State apparatus, the regions and the municipalities, particularly with regard to the distribution of financial resources, how the National Action Plan for the improvement of the situation of children and the protection of their rights, 2004–2010, and the “Children of Belarus, 2006–2010” presidential programme, tied in with each other, who decided on their funding, how the sectoral subprogrammes were linked to the two umbrella plans and whether a “Children of Belarus” programme was to be drawn up for 2011–2015.

14. Since the National Commission on the Rights of the Child had neither the mandate nor the independence of a national human rights institution, he wished to know what progress had been made with the deliberations on the establishment of an independent children’s ombudsman. He asked whether the procedures for registering NGOs had been simplified, to what extent NGOs had been involved in the preparation of the report under consideration and whether the State party intended to revise article 193.1 of the Criminal Code, which made working for an unregistered NGO a punishable offence.

15. The Committee also wished to know whether judges, legislative bodies and administrative authorities took the best interests of the child into account and whether the State, judges and decision makers fulfilled their obligation to listen to the views of children when making decisions that affected them.

16. **Mr. Koompraphant** asked whether corporal punishment was prohibited in the home, schools and institutions and, if not, how the State party protected children against violence in those places and whether it promoted non-violent forms of discipline.

17. **Mr. Krappmann** asked whether the 2001–2007 figures for the funding of the “Children of Belarus” programme presented in the report were adjusted for inflation, what the current funding situation was, whether the State had a separate budget for children and whether the global financial crisis had affected the funding of family welfare, health, education and child protection services.

18. He wished to know the measures taken to ensure unrestricted access to the Internet for all, while protecting young people from information that was harmful to them, and why certain websites whose content was more political than pornographic were being blocked.

19. **Mr. Gurán** asked for more details on the mandate and structure of the National Commission on the Rights of the Child and the professional skills of its members, in order that the Committee might gauge the level of the Commission’s independence. He wished to know whether Belarus intended to create an independent body to receive and follow up complaints made by children. He requested more detailed information on the National Action Plan for the improvement of the situation of children and the protection of their

rights and specifically what body was responsible for its implementation, whether its results had been evaluated and whether other such plans would be implemented.

20. He asked the delegation to provide further information on the data collection system used, to supply disaggregated data on minority groups (Jews, Poles, Ukrainians and Roma) and to indicate whether special programmes were in place for children of those minorities. He wondered whether children were involved in the evaluation of the National Commission on the Rights of the Child and the various existing child protection programmes.

21. **Mr. Pollar** wished to know what was being done to promote respect, among parents, communities and decision makers, for the right of children to participate in decisions that affected them, especially with regard to health matters. He requested information on the measures taken to protect children from police brutality and to reduce the child suicide rate and the number of children who died in road accidents, as well as information on the investigations conducted into the deaths of children and the registration of such deaths.

22. **Mr. Citarella** asked for more information on discrimination against certain minorities, particularly the Roma, in access to health care, education and family welfare services and on the measures taken to combat such discrimination.

23. **Ms. Al-Asmar** requested details of the measures taken to guarantee freedom of association for young people and asked whether there was legislation that guaranteed the freedom to manifest religion or belief.

24. **Ms. Aidoo** asked how the State party provided for the dissemination of the principles and provisions of the Convention among families and the public at large, including minorities, and how it ensured that the media handled children's issues appropriately and with due respect for their privacy and their dignity. She asked for more information on the children's rights training given to staff at the relevant ministries and to judges, teachers, social workers and the police.

25. **Ms. Ortiz** enquired about the measures taken to end the violence perpetrated by agents of the State against children in schools, juvenile detention centres, alternative care facilities and police stations. She asked what had happened to the seven adolescents arrested during the opposition demonstrations held after the presidential elections in December 2010 and whether those arrests would affect their schooling. She wished to know whether the right to freedom of expression, to freedom of association and to peaceful assembly were protected and upheld in the country.

26. **Mr. Filali** said that he wished to know the status of the Convention in the country's legal system and whether judges invoked its provisions directly in practice.

27. He requested information on whether there had been studies on the causes of suicide, the measures taken to address the phenomenon and the age of the children who committed suicide. The Committee also wished to know whether studies had been carried out on the effects of the Chernobyl disaster on women currently having children and whether measures had been taken to counteract those effects.

28. He also asked for information on the parents who had been arrested during the opposition demonstrations after the presidential elections and subsequently imprisoned. He wished to know who had been notified that their children had been taken into care.

29. **Ms. Varmah** asked whether children born in Belarusian territory to stateless or foreign parents could obtain Belarusian nationality, how many children were stateless or at risk of being so and whether Belarus was planning to ratify the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the European

Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

30. **The Chairperson**, noting that, according to the State party's written replies, children under the age of 10 had the right to be heard in court proceedings, asked what the situation was with regard to children over the age of 10. She asked the delegation to explain how the State party could guarantee that 100 per cent of the health-care needs of vulnerable children were covered and to provide details of the services involved.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

31. **Mr. Yakzhik** (Belarus) said that international instruments ratified by Belarus were implemented directly and judges at the various levels of the legal system received specific training on how to apply them effectively. Presidential decrees were immediately applicable legislative measures that enabled a swift response to be made to a given problem. The decree on trafficking in persons had thus been issued in response to the increase in the incidence of human trafficking offences. A law on the subject would subsequently be adopted by Parliament in accordance with the usual procedures and a pre-established timetable.

32. **Mr. Emelianov** (Belarus) said that the process whereby a decree became an act of Parliament took between one and two years.

33. **Mr. Yakzhik** (Belarus) said that the National Commission on the Rights of the Child had been originally established as a consultative body, but its status and composition had been amended in 2006. Since then, representatives of NGOs as well as State agencies had served on the Commission. Its regional offices were open to all citizens and registered their complaints, including those filed by children. The Commission coordinated the follow-up to those complaints, which could involve up to a dozen stakeholders. There were plans to take a fresh look at the composition of the Commission.

34. **Mr. Citarella** noted that a coordinating body was clearly not independent of the Government and could therefore not offer objective opinions on the actions of the authorities.

35. **Mr. Zermatten** (Country Rapporteur) said that he was surprised that the Commission had not been convened during the previous two years and asked how it had been able to consider complaints. The composition of the Commission required more detailed explanation.

36. **Mr. Yakzhik** (Belarus) replied that the Commission had suspended its meetings owing to the restructuring under way, but the service provided through its regional offices had continued. The new composition of the Commission had yet to be determined and had to be confirmed by the Office of the President. Previously the Commission had been chaired by the Deputy Prime Minister and comprised the Deputy Minister for Education, the Deputy Minister for Foreign Affairs, the Deputy Public Prosecutor, the deputy chairpersons of the executive committees of the regions, the deputy chairpersons of the various ministries, a Supreme Court judge, a representative of the National Assembly, three representatives of NGOs and a representative of UNICEF.

37. The "Children of Belarus" presidential programme, 2011–2015, included subprogrammes such as "Children and Health", which related to maternal and infant health, reproductive health and the health of children born in the wake of the Chernobyl disaster. In that connection Belarus was carrying out high-tech procedures, such as organ transplants, and the fight against onco-haematological diseases was given top priority in the contaminated zones. The subprogramme "Children of Chernobyl" had been developed to tackle the after-effects of the accident. Additionally, a series of practical training sessions in the use of medical equipment and medicines had been organized, with a view to improving general health indicators.

38. Belarus was planning to create the post of children's ombudsman, but the establishment of another bureaucratic mechanism was not necessarily the solution; a few direct-action mechanisms were more effective than the creation of yet another institution. Belarus was pleased with the work accomplished in the past few years in collaboration with NGOs and international agencies, including those of the United Nations system.

39. **Mr. Zermatten** (Country Rapporteur) urged the State party to give two separate bodies the tasks of considering complaints and coordinating their follow-up. He thought that the creation of the post of children's ombudsman would be favourably received and asked whether the Government supported the idea or was still weighing the advantage and disadvantages.

40. **Mr. Filali** asked whether the National Commission on the Rights of the Child submitted reports and, if so, whether they were made public. He also asked whether the representatives of the ministries that sat on the Commission had the right to vote in its deliberations.

41. **Mr. Yakzhik** (Belarus) said that the National Commission on the Rights of the Child reported to the Council of Ministers. As for the post of children's ombudsman, he had not wished to minimize the importance of the institution but to express concerns raised about the coordination problems that its creation could entail. The Commission was already addressing the need to streamline procedures, however, and the possibility of establishing a children's ombudsman had therefore not been excluded.

42. **Mr. Zermatten** (Country Rapporteur) wished to know whether, in addition to the "Children of Belarus" presidential programme, there was any other action plan for children, with its own budget, operating over the same period.

43. **Mr. Yakzhik** (Belarus) said that the "Children of Belarus" presidential programme was an innovative programme created to address new priorities identified in collaboration with civil society. Several round tables had been organized to obtain input from NGOs and State agencies. Current action to implement the Convention was the result of joint efforts undertaken by the authorities and civil society, even though most action was financed from public funds.

44. **Ms. Aidoo** said that she had understood from the State party's written replies that the National Action Plan had been dropped, and she asked whether the "Children of Belarus" programme would replace it and whether it was a permanent programme.

45. **Mr. Yakzhik** (Belarus) said that the "Children of Belarus" presidential programme was only one of a score of programmes addressing topics that were relevant to the Committee. It was jointly financed by the State and local communities.

46. Youth associations received systematic State support. They operated in all schools and enjoyed a certain degree of autonomy. In October 2010, over 10,000 young people representing associations and NGOs had attended the Youth Forum in Minsk. As in other countries, all associations had to be registered with the Ministry of Justice.

47. **Mr. Emelianov** (Belarus) said that unauthorized gatherings were prohibited under article 183 of the Criminal Code, but he was not in a position to reply to the question concerning the detention of minors the day after the elections.

48. **Mr. Lazarev** (Belarus) said that the Temporary and Permanent Refugee Status Act, drawn up in consultation with the Office of the United Nations High Commissioner for Refugees (UNHCR), had been in force since 2009. Since the passage of the Custody and Guardianship Act, unaccompanied children applying for asylum or refugee status had the same rights as other applicants.

49. **Mr. Yakzhik** (Belarus) said that the budget was allocated according to specific targets at the national and local level. Thanks to progress on the social and economic front, fewer children were living in low-income households. In 2008, despite the crisis, children's

rights objectives had been met and, once the economy had picked up again, the national budget had been increased to boost social welfare in general and child welfare in particular. Real minimum wages had been raised, as had the number of teachers and doctors in the public sector, and the principle of giving priority to children had been maintained.

50. **Mr. Zermatten** (Country Rapporteur) asked whether the proportion of gross domestic product (GDP) spent on children, particularly on their education, health and welfare, would increase.

51. **Mr. Yakzhik** (Belarus) said that the proportion of GDP spending allocated to the public sector and children's right programmes would increase over the period 2010–2015, but he could not provide exact figures. Since 2002, the State had increased spending on children, as recommended by the Committee following its consideration of the country's second periodic report.

52. **Mr. Krappmann** said that free access to the Internet had become an integral part of children's education and should be guaranteed, despite certain risks.

53. **Mr. Yakzhik** (Belarus) said that Belarus was promoting Internet use and extending broadband access to the whole population. Around 90 per cent of families had a computer. All schools were equipped with computers, provided information technology courses and were connected to the Internet. Teachers were trained in the moral aspects of Internet use and action was being taken to raise awareness among parents to prevent children consulting websites that were not age-appropriate.

54. **Mr. Emelianov** (Belarus) said that Internet sites could be shut down only by court order.

55. **Mr. Zermatten** (Country Rapporteur) asked how the State planned to tackle the root causes of poverty, how municipalities could be more involved in activities to that end and whether Belarus collected data on the subject. Despite the rise in living standards, most families lived only just above the poverty line, and that only thanks to State support. The situation was precarious, because increasing numbers of children were growing up in single-parent female-headed households, a quarter of children born in 2003 had been born out of wedlock and many workers were emigrating to Russia or the Ukraine, which was affecting family stability.

56. The reoffending rate was high, deprivation of liberty was at judges' discretion, alcohol abuse lay behind many offences, members of the judiciary did not receive training in children's rights and the army was often called in to deal with such issues as crime prevention. He therefore wished to know what progress had been made with the reform of the Criminal Code and the Code of Criminal Procedure, how many correction centres were in operation and what the procedure was for pretrial detention. He asked whether a child offender who achieved adult status before turning 18, through marriage for example, could be condemned to death and whether Presidential Decree No. 18 of 24 November 2006, whose first article bypassed the courts by granting extraordinary powers to the State to remove a child from his or her family environment, would be adopted by Parliament as it stood or whether it would be amended.

57. **Mr. Puras** asked what was being done to combat social determinism in the health sector and to address the needs of children and adolescents. The highly specialized health-care system inherited from the Soviet era seemed ill-adapted to the current situation and he asked whether the Government planned to support NGO efforts to provide child-friendly services and improve child services in general. He asked whether services for children with disabilities were still based on institutionalization and the systematic use of medical treatment and what efforts were being made to invest in public health and promote a community-based approach.

58. **Mr. Koompraphant** wished to know whether there was a special mechanism for improving children's living conditions, how many children were working and in what kind of jobs and conditions, and whether it was mandatory to keep records on child labour.

59. **Mr. Krappmann** asked whether the goals set out in article 29 of the Convention were taken into account in the reform of the education sector and school curriculum design, whether children's rights were respected in schools, whether children's views were heard, whether there were problems of discrimination, whether gender issues were taken into account and whether education was open to all.

60. As the Asylum Seekers Act of 2009 did not seem to cover all forms of persecution that specifically affected children, he wished to know whether any provision had been made to identify underage asylum-seekers who might have been caught up in an armed conflict in their country of origin, whether the sex of the applicant was taken into account in the consideration of asylum applications, whether anyone was appointed from the outset of proceedings to guide and represent unaccompanied minors, whether the best interests of the child took precedence in all administrative procedures involving child asylum-seekers and whether there were plans to create a reliable database on children who sought asylum.

61. **Mr. Pollar** asked whether there was a central administration for combating the illicit transfer and non-return of children abroad and requested examples of recent cases. He asked whether traditional practices that were harmful to children's health were common in Belarus and, if so, what was being done to end them.

62. **Mr. Gurán** wished to know the scope of Presidential Decree No. 18, in which the prevailing approach was a punitive one, and whether the legal problems arising out of the adoption of children by foreigners after the Chernobyl disaster had been resolved. He also asked whether there was a national authority that oversaw international adoptions and what the administrative procedure was in such cases.

63. **Ms. Herczog** asked whether parents and children received support to help them identify their problems as part of efforts to prevent abuse and neglect, whether courses in parenting were given, under what circumstances a child could be removed from his or her family, whether there were alternatives to institutionalization and whether all decisions to place a child in an institution were subject to periodic review. She asked the delegation to outline the measures taken to rehabilitate and reintegrate child victims of abuse and neglect and the arrangements made for the future lives of children in institutions. She wished to know what was done to prepare them for adulthood and to help them find jobs and housing when they left the institution.

64. **Ms. Aidoo** asked whether there was a comprehensive health strategy for adolescents, whether there were any family planning methods other than abortion — the rate of which was very high among girls aged 15 to 17 — and whether pregnant adolescents could seek and obtain medical advice unaccompanied and in total confidentiality.

65. **Ms. Ortiz** asked whether the cultural diversity of Russian, Polish, Jewish and Ukrainian minorities was taken into account to uphold their right to recreational and cultural activities and whether all children had equal access to such activities.

66. **The Chairperson** said that the State party should consider implementing a programme to encourage responsible parenting and reduce the number of cases of child neglect. She asked how many people lived in the Gomel region, where health indicators were particularly bad.

The meeting rose at 1.05 p.m.