



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

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**Committee on the Elimination of Racial Discrimination**  
**Eighty-third session**

**Summary record of the 2247th meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 20 August 2013, at 3 p.m.

*Chairperson:* Mr. Avtonomov

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Eighteenth and nineteenth periodic reports of Belarus* (CERD/C/BLR/18-19; CERD/C/BLR/Q/18-19; HRI/CORE/BLR/2011)

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

2. **Mr. Rybakov** (Belarus) said that the report had been prepared in collaboration with all the public bodies concerned and with the participation of international organizations and civil society. Belarus had withdrawn its reservation to article 17, paragraph 1, of the Convention, which meant that it was now implementing all the provisions of the Convention. In addition to the main United Nations human rights treaties, Belarus was party to several international instruments and multilateral and bilateral agreements on the elimination of racial discrimination, the protection of minorities and the promotion of cultural diversity including the UNESCO Convention against Discrimination in Education, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) of the International Labour Organization (ILO) and the Convention on the Legal Status of Migrant Workers and Members of Their Families of the States Members of the Commonwealth of Independent States (CIS). Almost all the bilateral cooperation agreements concluded by Belarus with other States, including members of CIS, contained provisions on the protection of national minorities. Since it was a country of origin, transit and destination for human trafficking, Belarus had become a party to the anti-trafficking treaties of the United Nations and, in 2013, had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In accordance with the law on international instruments, the International Convention on the Elimination of All Forms of Racial Discrimination had been incorporated into national legislation and took precedence in the event of conflict between the two.

3. With regard to the implementation of article 1 of the Convention, the principle that all persons regardless of race, colour or national or ethnic origin were equal was enshrined in the Constitution. The Ethnic Minorities Act guaranteed everyone the right to preserve their identity as a member of a national minority. Under the Act, it was unlawful to force persons to state whether they belonged to a national minority, to directly or indirectly curtail their rights on the grounds of their national origin and to try to forcibly assimilate members of minorities. The freedom of all national minorities living in Belarus to promote their culture was safeguarded by the Culture Act and also upheld in the Culture Code that was currently being drafted.

4. As to the implementation of article 2, in accordance with the Presidential Decree of 2008 that established rules on identity documents for Belarus citizens, membership of a minority did not have to be indicated, directly or indirectly on identity documents unless the bearer made a specific request to the contrary. The Education Code safeguarded the right of national minorities to use, learn and be taught in their own languages. The Trafficking in Persons Act, adopted in 2012, stipulated that rehabilitation services were to be provided free of charge to trafficking victims regardless of their nationality and whether or not they agreed to cooperate with investigators. The services of interpreters were also provided free of charge to trafficking victims during investigations, as required. Drawing attention to the information presented in the report about national legislation on migrant workers, foreigners, stateless persons and asylum (paras. 20, 88 and 91), he noted that one of the grounds for granting a person refugee status was that there was a risk that he or she might be a victim of a violation of the Convention.

5. All the provisions of article 4 had been incorporated into the Anti-Extremism Act. The establishment of political parties, associations or unions for the purpose of advocating war or extremism was prohibited under the Political Parties Act and the Voluntary Associations Act. Similarly, the dissemination of information aimed at promoting war, violence, cruelty or extremism or inciting persons to engage in such activities was prohibited under the Mass Media Act. In June 2013, the Government had approved a framework antiterrorism plan, which aimed to prevent and combat extremist and separatist activities, as well as intolerance towards national, ethnic or religious minorities.

6. In Belarus there were no conflicts or troubles that were motivated by race, membership of a national or ethnic minority, culture, language or religion, since relations between different ethnic groups were peaceful and harmonious and the country had a long tradition of tolerance. The population statistics provided in figure 25 of the report showed that 16 per cent of the population belonged to one of the 140 national minorities identified in Belarus. The overwhelming majority of Belarusian citizens attached no importance to the national or ethnic origin of members of Government or parliament. There were also no direct correlations between ethnicity and the linguistic and cultural diversity of Belarusian society. Two languages, Russian and Belarusian, had the status of national languages, and the population was generally bilingual. According to the 2009 census, 53 per cent of the population (of whom 60 per cent were of Belarusian stock) claimed Belarusian as their mother tongue. However, Russian was used by 70 per cent of the population in their daily lives. As indicated in the report (paras. 122 et seq.), minorities had the right to learn and be taught in their own languages.

7. The Jewish community in Belarus numbered nearly 13,000 and there were 45 Jewish non-governmental organizations (NGOs). Special classes for Jewish children had been set up in two mainstream schools. The Universities of Minsk and Grodno offered advanced Hebrew courses and, in 2002, a museum of the history and culture of Belarusian Jews had been opened in the Jewish community centre in Minsk. The Government was working with Jewish organizations to restore Jewish burial sites and cemeteries. Since 2008, over 50 commemorative plaques had been unveiled at places where victims of the Holocaust had been thrown into common graves, including at the site of the former Jewish ghetto in Minsk, where over 5,000 Jews had been massacred during the Second World War and where the "Yama" Holocaust memorial, built in 2000, now stood. Public funds had been set aside for the construction of a commemorative complex on the site of the Maly Trostenets death camp in 2014. The Roma community, which numbered more than 7,000, was represented by six associations. The first monument honouring the Roma killed during the war had been unveiled in 2004. Despite Government efforts, the level of education of the Roma was still unsatisfactory. There had, however, been an increase in school attendance by Roma children, and also in the number of Roma obtaining vocational diplomas and certificates of higher education. Close to 79 per cent of Roma of working age had completed that level of studies, and 82 per cent of Roma aged between 30 and 64 knew how to read and write. According to the 2009 census, the employment rate among the Roma was 68 per cent.

8. Official figures showed that about 18,500 immigrants from 80 countries had been living in Belarus in 2012, compared with 17,500 in 2011, and that 8,500 of them were unskilled or skilled workers or professionals from Ukraine, Lithuania, Uzbekistan, Turkey and the Republic of Moldova. Migrants enjoyed the same rights as Belarusian citizens. Between 2011 and 2012, the number of applications for asylum or complementary protection had increased by 25 per cent. The number of applications approved had also risen, from 4 per cent in 2010 to 23 per cent in 2012. By 1 January 2013, 854 foreigners from 15 countries had been granted refugee status and 4 persons from 3 countries had been granted complementary protection. In addition, 89 persons whose application for asylum or complementary protection had been denied had been granted permission to stay temporarily

in Belarus. Statistics for the previous decade showed that the incidence of offences motivated by hostility towards a particular race or national or religious minority had declined. Since the submission of the seventeenth periodic report, no complaint of racial discrimination had been filed. In a recent sociological survey, only 4 per cent of respondents reported having encountered racial discrimination. Four persons had been prosecuted for inciting racial hatred in 2003, one in 2008 and one in 2009. In 2013, an inquiry had been opened into allegations of incitement of racial hatred. In 2007, one person had been tried for racially-motivated intentional bodily harm and two for racially-motivated murder. Two persons had been prosecuted in 2006 and 2007 respectively for establishing organizations or political parties that advocated hatred of racial, national or religious minorities.

9. Members of the security forces and the judiciary regularly attended continuing training courses and seminars on the prohibition and punishment of racial discrimination. In June 2013, a seminar on the elimination of racial discrimination, sponsored by the Office of the United Nations High Commissioner for Human Rights, had been organized for judges and members of the security forces. The Belarusian authorities had also invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants to visit the country.

10. **Mr. Lindgren Alves** (Country Rapporteur) said he wished to know exactly how the Anti-Extremism Act defined extremism and whether it had been invoked to punish political opponents, especially during the parliamentary elections of 2012, as alleged by certain sources. If those allegations were correct, the Committee would like the delegation to indicate on what grounds opposition members had been convicted. It would also like to know whether the Act had made it possible to effectively punish the members of the neo-Nazi groups who had recently desecrated Jewish cemeteries. Reports had been received of civil and political rights abuses, enforced disappearances, arbitrary detentions and restrictions on the freedom of the press; clarification of those matters would be appreciated. He welcomed the fact that there were 112 associations representing 26 ethnic groups and that they received financial and legal assistance in the same way as other associations. An Inter-Ethnic Advisory Council had been set up with 25 members to represent ethnic minorities, including the Roma. It had become apparent at a round table held in 2008 by the Organization for Security and Cooperation in Europe that the problems facing the Roma community in Belarus in the areas of education and employment were particularly severe, even though they were no different from those faced by the Roma elsewhere in Europe. What measures had the State party taken to improve the situation of the Roma?

11. He noted that the State party's legislation criminalized any act liable to result in discrimination on grounds of nationality or to incite ethnic hostility, but the provisions were not fully consistent with the definition contained in article 4 of the Convention, which required States parties to prohibit organizations that incited racial discrimination and to recognize participation in the activities of such organizations and racist propaganda as offences punishable by law. He urged Belarus to amend its legislation accordingly. The fact that no complaint of racial discrimination had been filed did not necessarily mean, in the view of the Committee, that there was no such discrimination. He invited the delegation to explain why nobody had been prosecuted under the Code of Administrative Offences or the Criminal Code, which criminalized a whole series of acts motivated by racial hatred or hostility. He had taken note of the State party's policy on interfaith and inter-ethnic relations but wished to know if the right of religious organizations to freely carry out their activities was fully respected. He requested specific examples of action taken to counteract the adverse influence of religious organizations whose activities represented a threat to public safety or the physical and psychological well-being of the population under the 2005 Act on the Framework for Domestic and Foreign Policy. He would also like to know exactly which religious organizations were covered by the Act.

12. Noting that the State party's periodic report had described in detail the measures taken to protect the rights of non-citizens, refugees and stateless persons, he wished to know why Belarus had ratified the 1951 Convention relating to the Status of Refugees and the associated Protocol of 1967, but not the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. He took note of the observations made by Belarus on paragraph 9 of the Committee's most recent concluding observations concerning efforts to combat trafficking in persons and drew attention to the fact that the State party had dismantled 22 criminal organizations and prosecuted 1,707 persons for human trafficking, of whom 665 had received prison sentences. The fact that the country had not recorded a single victim of trafficking since 2009, however, contradicted the view expressed by the Committee in 2004 that Belarus was a transit country for trafficking in women and children for purposes of sexual exploitation.

13. He would also like to know why Belarus had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, given that its legislation on migration had been drafted in keeping with the main elements of that Convention in particular and it had been one of the first countries to ratify the Convention on the Legal Status of Migrant Workers and Members of Their Families of the States Members of CIS. Lastly, he wished to know if the State party intended to implement the Committee's recommendation on the establishment of an independent national human rights institution.

14. **Mr. Diaconu** said that Belarusian anti-discrimination legislation was very comprehensive but did not contain a definition of racial discrimination. He wished to know which of the 140 ethnic groups in the country were actually recognized as national minorities and which languages had the status of national languages. He noted the statement that there was no racial segregation in Belarus but some practices, such as creating special schools for Roma children or villages solely for Roma, which in fact constituted racial segregation, were common in many countries. He enquired whether such practices had been reported in the State party and, if so, what measures were being taken to prevent the grouping of certain populations on the basis of ethnic or racial criteria. He asked the delegation to provide more information on the situation of the Roma, and particularly their access to education, employment and housing, and on the socioeconomic situation of foreigners living in Belarus, who had numbered over 140,000 in 2011. He also invited the delegation to explain why, when discrimination was prohibited in the Labour Code, the ILO Committee of Experts on the Application of Conventions and Recommendations had asked Belarus specifically to prohibit racial discrimination and to protect foreign workers against discrimination on grounds of race or skin colour. Had the Government acted on that recommendation? Also, what measures had been taken in response to the report of the Special Rapporteur on Belarus, published in June 2013, which described mass human rights violations in the State party, including against the Roma?

15. **Mr. Murillo Martínez** welcomed the socioeconomic measures adopted by the State party, which had enabled it to attain the Millennium Development Goals, including the goal for poverty reduction. He noted with satisfaction that the rights of migrant workers were protected by law and asked if the police received training in human rights, particularly migrant workers' rights.

16. **Mr. de Gouttes** requested more information on the role and activities of the Inter-Ethnic Advisory Council appointed to the Commissioner for Religious and Ethnic Affairs, in particular in relation to "counteracting the adverse influence of religious organizations [...] whose activities represent a threat to public safety", including the satanic sects mentioned in paragraph 155 of the report. Although the Code of Administrative Offences, the Criminal Code and the Code of Criminal Sentence Administration criminalized racial discrimination, not all the violations listed in article 4 of the Convention were defined in the

national legislation, a fact which raised doubts about whether that legislation was fully in conformity with that article. Noting that no claims for compensation had ever been filed with the courts in connection with an act relating to the Convention, he would welcome more specific information on sentences handed down for racial discrimination between 2003 and 2010. He also wished to know why Belarus had rejected certain recommendations made in 2010 by the Universal Periodic Review Working Group, in particular the recommendations to improve the protection of journalists and human rights defenders, to relax the regulations for registering NGOs, to invite special procedures mandate holders to visit the country and to dismiss all members of security forces who had been involved in enforced disappearances, extrajudicial executions or torture. Lastly, he enquired about the State party's planned follow-up to resolution 23/15 on the situation of human rights in Belarus adopted by the Human Rights Council in June 2013 (A/HRC/RES/23/15).

17. **Mr. Vázquez** said he had noted with concern that the Constitution granted the President the power to appoint and remove judges. That raised questions about the independence of the judiciary, and he would like to hear the delegation's views on the subject. The Special Rapporteur on the human rights situation in Belarus had reported that NGOs had little faith in the public authorities, and the Special Rapporteur on the independence of judges and lawyers had found that lawyers were subjected to intimidation. He requested more information on both matters. He also wished to know if it was true that the rent paid by NGOs for their premises could increase dramatically depending on whether or not they supported the Government. An explanation of what was meant by the expression "inciting social discord" as used in the Anti-Extremism Act would be appreciated. He enquired about the legal remedies and reparation available to victims of acts referred to in the Convention and how racial discrimination cases were handled in the legal system. Lastly, he enquired about the steps the State party was taking to improve the school performance of Roma children, reduce unemployment in the Roma community and end police violence against the Roma.

18. **Mr. Kut** asked the delegation to provide specific examples of the policy measures introduced by the State party to implement the Convention, eliminate racial discrimination and combat racism. He enquired how the large number of laws against racial discrimination were enforced in practice and whether the Anti-Extremism Act was not in danger of being diverted from its original purpose and used to prevent members of certain minorities from enjoying the rights accorded to them under other laws.

19. **Ms. Crickley** asked if the term "national minorities" was used in the same way in Belarus as it was in the Council of Europe's Framework Convention for the Protection of National Minorities. She would like to know whether the national human rights institution that the State party planned to set up would conform to the Paris Principles and whether it would be responsible for addressing racial discrimination. She wished to know if the State party had taken the necessary measures to inform members of minorities of the procedures and remedies open to them when racial discrimination offences were committed and asked what was meant by the term "methodological" as used in paragraph 139 of the report with reference to the support given to ethnic communities. She further asked the delegation to provide information on action taken to dismantle human trafficking networks, in particular those engaged in the sexual exploitation of women and children, and to support victims with a view to ensuring, in particular, that they did not themselves become perpetrators of sexual exploitation. Lastly she asked if the State party had taken measures to improve the preschool education of Roma children and to put in place a policy that encouraged the harmonious integration of minorities without promoting their assimilation.

20. **Mr. Kemal** said he was concerned that some young people were drawn to neo-Nazi ideologies and that extremist movements uttering hate speech were growing again. He asked if the State party had taken effective measures to prevent the formation of neo-Nazi

groups and to curb their activities by raising young people's awareness of the past and history.

21. **The Chairperson**, speaking as a member of the Committee, enquired about the State party's position on the ratification of the amendment to article 8 of the Convention and asked if it intended to make the declaration provided for in article 14 so as to recognize the competence of the Committee to receive and consider communications from individuals claiming to be victims of a violation of a right set forth in the Convention.

*The meeting rose at 6 p.m.*