

## **BELARUS**

### **CERD 26<sup>th</sup> No. 18 (A/8418) (1971)**

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: Byelorussian SSR ...

**CERD 28<sup>TH</sup> No. 18 (A/9018) (1973)**

229. The initial report of the Byelorussian SSR, submitted on 5 August 1970, was considered by the Committee at its third session and deemed satisfactory. The second periodic report, dated 12 June 1972, was considered at the seventh session (140<sup>th</sup> meeting).

230. It was observed by several members that, in addition to supplying detailed information relating to the various sections of the Constitution which had been cited in the initial report, the report under consideration furnished information about administrative measures and State projects designed to promote the welfare of the population in various fields. Particular note was taken of the information about government activities in the field of political education, aimed at ensuring the political equality of citizens of all nationalities, and the information relating to the provisions of the Law on Public Health and the Code on Marriage and Family, designed to ensure equal treatment for all citizens. Stress was laid on article 41 of the Law on Public Health, which provided that “aliens and stateless persons permanently domiciled in the USSR shall be entitled to medical care in the Byelorussian SSR on an equal footing with Soviet citizens”. It was observed that measures which were not strictly related to racial discrimination had been described in the report in order to show the efforts of the reporting State to raise the standard of living of all citizens, without racial discrimination. It was noted also that, although the report was prepared before the adoption by the Committee of general recommendation III, it contained information to the effect that the reporting State implemented strictly the decisions of the Security Council and the General Assembly concerning the racist regimes in southern Africa.

231. One member expressed the view that the report contained “theoretical excesses” which, even though not entirely relevant, were nevertheless “very understandable”.

232. It was asked whether and to what extent laws other than the Law on Public Health existed in the reporting State which provided for equal treatment for all persons permanently domiciled in the USSR, including aliens and stateless persons. The question was raised as to whether there were any new developments in relation to the implementation of articles 5 and 6 of the Convention.

233. The representative of the Byelorussian SSR recalled that, historically, the people of his country had suffered greatly from racial discrimination; the destruction suffered in the Second World War at the hands of the Nazis, in pursuance of their racist and inhumane theories, lent emphasis to his countrymen’s determination to combat any form of racial hatred and other inhumane theories of racial superiority. The reforms carried out in the Byelorussian SSR had removed the causes of racial discrimination. He provided the Committee with information regarding the demographic composition of society in his country. With reference to the question about the equality of aliens and citizens in fields other than those to which the Law on Public Health applied, he stated that that equality applied in the field of education and, subject to some restrictions, in other areas as well.

234. The Committee decided to consider the report satisfactory and expressed the hope that the Government of the Byelorussian SSR would continue to co-operate with the Committee as it had done in the past.

**CERD 29<sup>TH</sup> No. 18 (A/9618) (1974)**

185. The Committee considered the third periodic report of the Byelorussian SSR together with the information submitted by the reporting State in response to decision 3 (VII) of the Committee. In addition to supplying information on the relevant measures adopted by the reporting State since the submission of its second periodic report, the report under examination contained detailed information on the ethnic composition of the population, as envisaged in the Committee's general recommendation IV, and replied to most of the questions raised in the Committee during its consideration of the second report at its seventh session (A/9018, paras. 229-234). The Committee welcomed the report under discussion as well as the co-operation of the reporting State and its reaffirmation of its continued dedication to the struggle against racial discrimination.

186. The enactment of Soviet legislation on national education and the adoption of the new Byelorussian Labor Code during the period under review were seen as evidence of the continuing concern to improve existing legislation and to further respect for the rights of individuals and nationalities; likewise, the ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the signing of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the demonstrations of solidarity with peoples struggling against colonialism and racism were viewed as further evidence of the continued adherence of the reporting State to the objectives of the Convention.

187. It was recalled that questions had been raised, during the Committee's consideration of the second periodic report of the Byelorussian SSR, with regard to which no replies had then been received, particularly in relation to the implementation of articles 4 and 6 of the Convention. With regard to article 4, it appeared to some members that the provisions of article 71 of the Criminal Code, which dealt with propaganda or agitation aimed at inciting racial or national enmity or discord, did not meet all the requirement of the provisions of paragraph (b) of article 4 of the Convention - particularly the obligation to declare illegal and to prohibit organizations which commit such acts, and to recognize participation in such organizations as an offence punishable by law. With regard to article 6, members asked whether the courts had had to deal with any cases of racial discrimination, whether there had been cases in which the provisions of article 71 of the Criminal Code had been invoked and applied, and what the procedure that the courts followed and the sanctions they applied had been. It was asked also whether racial discrimination as such was treated as an offence in the penal law of the reporting State; whether the guarantees against racial discrimination provided for in article 16 of the Labor Code applied to the recruitment and appointment of public officials; and what the exact position of national minorities had been, from the point of view of both language instruction and trade union rights.

188. The representative of the Government of the Byelorussian SSR stated that incitement to racial discrimination, whether by individuals or organizations, was punishable under article 71 of the Criminal Code; that organizations of the kind referred to in article 4, paragraph (b), of the Convention fell implicitly within the scope of article 71 of the Criminal Code; that he did not know of any case in which that article had had to be applied; that the Russian and Byelorussian languages were on an equal footing in the Republic; that, in the case of all national minority languages, all

legal and physical arrangements had been made to ensure teaching of the national language whenever a sufficient number of persons requested it; that no need had been felt to form trade unions concerned exclusively with the protection of the interests of national minorities nor had the need ever been felt, in the Byelorussian Communist Party, to create a special organ to protect the interests of minorities; and that the guarantees against racial discrimination provided for in the Constitution applied to all workers, including officials.

**CERD A/31/18 + Corr. 1 (1976)**

213. The fourth periodic report of the Byelorussian Soviet Socialist Republic was considered together with the information contained in the introductory statement made before the Committee by the representative of the Government of the reporting State. The Committee took note of the information on the relevant legislative developments which took place during the biennium covered by the report, the information on relevant administrative and other measures, and the information envisaged in general recommendations III and IV.

214. Members of the Committee noted with appreciation the information on the composition of the Byelorussian Supreme Soviet, indicating that the nationalities making up the country's minority groups were more than amply represented in that body; the provisions of the Act concerning the State Notarial Service and the Public Education Act; and the information on the active participation of the reporting State in the world-wide struggle against racism and apartheid.

215. The Committee considered the compliance of the reporting State with the provisions of article 4 of the Convention. Some members felt that some of the requirements of paragraphs (a) and (b) of article 4 of the Convention were not fully met by the provisions of article 71 of the Penal Code, which dealt with propaganda or agitation aimed at inciting racial or national enmity or discord, but it did not deal with acts of violence or incitement to such acts (as is required by para. (a) of article 4 of the Convention), nor did it declare illegal and prohibit organizations which promoted and incited racial discrimination (as is required by para. (b) of article 4 of the Convention). It was argued that the fact that such organizations could not be registered in the Soviet Socialist Republics was only a partial answer to the problem, since organizations usually did not proclaim such aims in their by-laws; the question was whether an organization could be prohibited under the registration law should evidence of its real nature subsequently emerge, or whether additional legislation was required. On the other hand, other members observed that, inasmuch as the Convention had the force of national law in the reporting State, the provisions of article 4, paragraph (b), of the Convention could automatically be invoked by all State bodies and courts in making decisions and pronouncing sentences. In addition, there were all-Union laws, applicable throughout the territory of the USSR, which defined specific acts of individuals and organizations aimed at spreading racist propaganda and made such acts a criminal offence. Furthermore, the Fundamentals of Criminal Legislation of the USSR contained specific articles designing organizations which acted contrary to the law as criminal organizations, and declaring that individuals guilty of establishing or participating in such organizations were criminal offenders.

216. A member of the Committee raised the following questions with reference to the figures relating to deputies to the Byelorussian Supreme Soviet: How were the 102 deputies of other than Byelorussian nationality distributed among the different minorities? Were some minorities overrepresented and some underrepresented? And how were the 102 deputies actually chosen? Did the minorities themselves choose them or did the Party?

217. The representative of the Government of the Byelorussian Soviet Socialist Republic, referring to article 4 of the Convention, said that article 71 of the Criminal Code applied to organizations as well as individuals. With regard to representation in the Byelorussian Supreme Soviet, he said that

minorities were represented more strongly in that body than in the population; that deputies were elected in accordance with the law; and that Jewish, Russians and Ukrainian nationals also held posts of ministerial rank in the Government. He supplied additional information concerning the participation of his Government in the international struggle against racism and apartheid.

## **CERD A/34/18 (1979)**

142. The representative of the Byelorussian Soviet Socialist Republic, introducing his country's fifth periodic report (CERD/C/20/Add. 22), stated that the report amplified the account of the national legislation enacted to implement the provisions of the Convention, as detailed in his country's four previous periodic reports, by referring to the provisions of the new Constitution of April 1978, which ensured the elimination in practice of all traces of inequality and racial discrimination.

143. During the consideration of the report, members of the Committee pointed out that, although a new Constitution had been adopted, appropriate legislation to carry its principles into effect had not been enacted. A member referred in particular to articles 32, 35, 62 and 67 of the new Constitution, as indicated in the report, establishing the principle of the judicial equality of all citizens. He asked for more specific particulars of such implementing legislation, notably of the measures taken to give effect to articles 4 and 6 of the Convention.

144. With respect to article 4 of the Convention, a member stated that article 1 of the Byelorussian Criminal Code, although an important provision, was too vague and incomplete to satisfy fully the requirements of article 4 (a), (b) and (c) of the Convention. This observation was supported by other members who repeated the suggestion made during the discussion of the previous report that the Byelorussian SSR should introduce appropriate legislation to implement article 4.

145. With reference to article 5 of the Convention, a member asked whether the legislation of the Byelorussian SSR contained any provision to meet the requirements of article 5 (d) (i) and (ii) of the Convention, namely the right to freedom of movement and residence within the border of the State, and the right to leave any country, including one's own, and to return to one's own country. The elections of deputies to soviets which had been held in June 1977 also drew the attention of members of the Committee. A member, supported by another, expressed concern regarding the procedure followed in elections in the Byelorussian SSR. They inquired on what basis lists of candidates were prepared, and in what proportion the deputies elected were representative of the various ethnic groups in the country.

146. Some concern was expressed as to the implementation of article 6 of the Convention. A member inquired about the precise role of the Procurator referred to in chapter 19 of the Constitution of the Byelorussian SSR. Should the Procurator decide not to initiate a prosecution in a particular case, would it be open to an aggrieved individual to institute civil proceedings on his own account? It was noted that in accordance with article 161 of the Constitution the representatives of social organizations and workers' collectives could take part in legal proceedings relating to civil and criminal cases. The question was asked whether that provision applied also to private individuals. Another member, noting that the issue of article 6 was one which was constantly being raised in the Committee, found no reason why the socialist countries should be reluctant to reply to it. Referring to the Constitution of his own country by way of example, the member stated that a number of different remedies - including application to a higher instance - were open to a person who was not satisfied with the decision taken by the Procurator in a particular case.

147. A member welcomed the evidence in the report that the requirements of article 7 of the Convention were being fully met in the Byelorussian SSR by means of an education and information programme.

148. Finally, a member, welcoming the support given by the Byelorussian SSR to the liberation movements of southern Africa, inquired what assistance, especially in the field of employment, was offered to members of such movements who might seek asylum in the Byelorussian SSR.

149. The representative of the Byelorussian SSR, replying to some of the questions raised by the members of the Committee, said that considerable efforts had already been made and further efforts would be made to adapt the national legislation to the provisions of the new Constitution, some of which were directly related to the Convention. With respect to the election of deputies to soviets, he stated that although 81 per cent of the population of his country was of Byelorussian descent, some 25 per cent of the deputies in the local organs were of other ethnic origin; and that no racial discrimination was practised in the submission of candidatures for election.



## **CERD A/35/18 (1980)**

442. The sixth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/66/Add.18) was introduced by the representative of the reporting State, who gave information on the major legislation measures that had been introduced in the period under review in connexion with the provisions of the new Constitution (1978), including the Act on Elections to the Supreme Soviet and Elections to the Local Soviets of People's Deputies, as well as information on the preliminary results of the census of the population of that country.

443. Some members of the Committee noted that the report was comprehensive and interesting and provided answers to questions raised during the discussion of the fifth periodic report. Referring to the census of the population of the USSR, a member of the Committee noted that only 74 per cent of Byelorussians living in the USSR declared the Byelorussian language as their mother tongue. Taking into account that this percentage had decreased since 1970, he asked whether the increasing use of Russian was due to assimilation of the indigenous population.

444. Doubts were expressed regarding the application of article 4 (b) of the Convention. Some members noted that article 71 of the Criminal Code of the Byelorussian Soviet Socialist Republic did not fully meet the provisions of that article, which called for the prohibition of organizations promoting racial discrimination. The Government needed to do more than to have a criminal code provision punishing propaganda aimed at inciting racial discord. Even if there were no organizations promoting racial discrimination in the Republic, yet the Convention required States to actually prohibit the establishment of any such organizations.

445. Detailed information was requested on the implementation of article 5 of the Convention. Referring to the Act on Elections to the Supreme Soviet and the Act on Elections to Local Soviets, it was stated that the Committee needed the texts of those laws in order to understand the procedures involved, for example, concerning the qualifications of the candidates and the manner of their selection, as well as the details of the penalties imposed upon anyone who obstructed a citizen in the free exercise of his right to elect and to be elected. One member of the Committee requested, in particular, the constitutional provisions governing the participation of Byelorussian citizens of other nationalities in the Supreme Soviet and the criteria used to establish the percentage of the Byelorussian citizens of other nationalities. Referring to article 158 of the Constitution which guaranteed the right of citizens to address the court in their own language, a member of the Committee asked for precise details of the legal provisions pertaining to that right: could citizens merely address the court in their own language or did they also have the right to receive a reply in their own language? Was there any obligation for courts to provide official documentation in that language and could citizens appeal to the Supreme Court in their own language? Further details would be welcomed concerning the constitutional provision to protect foreigners' rights in the court.

446. As regards article 6 of the Convention, it was noted that the report lacked some of the information which the Committee needed in order to discharge its obligations. For example, the report stated that applicants might appeal against the refusal to bring a criminal case either to the appropriate procurator or to a higher court, but did not make it clear why such a choice existed. Also the ways of obtaining compensation should be specified.

447. The representative of the reporting State answered the questions raised by members of the Committee and stated that the decline in the number of persons indicating Byelorussian as their native language has been a consequence of the personally expressed views of the citizens themselves. Foreigners in the Byelorussian Soviet Socialist Republic had the same rights as Soviet citizens to apply to the courts for protection of the family, labor and other rights provided for them under the Constitution.

448. Concerning prohibition of organizations which promote racial discrimination, the representative said that the provisions of article 71 of the Criminal Code applied both to individuals and to organizations. In accordance with the Civil Code, no organization might receive legal recognition unless it was registered with the authorities. It would obviously contravene the Constitution to register any racist body.

449. Referring to elections to the Local and Supreme Soviets, he stated that under the Constitution elections were conducted on the basis of universal suffrage, and by secret ballot. Any direct or indirect limitations of electoral rights were prohibited by law. Candidates in elections to the Soviets were nominated by the organizations of the Communist Party of the Soviet Union, the trade unions, the Communist Youth League, the co-operative and other public organizations and by the collectivities.

450. With regard to the right of appeal, he pointed out that under article 56 of the Constitution, citizens had the right to lodge complaints against State officials and public bodies. The Penal Code provided for severe punishments of officials who abused their authority or position.

451. Replying to the question of the languages in which court proceedings were conducted, he said that article 158 of the Constitution provided that court proceedings should be conducted in the Byelorussian or Russian languages, or in the languages spoken by the majority of the people of the locality. Persons who could not understand the language in which they were conducted had the right to the services of an interpreter during the proceedings, and the right to address the court in their own language.

452. In conclusion, the representative pointed out that all the questions raised by the members of the Committee would be analyzed and borne in mind in the preparation of the next report.

## **CERD A/38/18 (1983)**

179. The seventh periodic report of the Byelorussian SSR (CERD/C/91/Add.23) was introduced by the representative of the State party, who pointed out that the report had been drawn up in accordance with the Committee's guidelines and took due account of the results of the Committee's consideration of the sixth periodic report. The representative stressed that the adoption of the new Constitution of 1978 had made it necessary to continue to develop and improve the legislation and to adopt, among others, the Act on the judicial system of the Byelorussian SSR and the Act on elections to district (urban) people's courts of the Byelorussian SSR, which would further strengthen the legal guarantees of national and racial equality. The Byelorussian SSR had continued, in the United Nations and other international organizations, consistently to support the elimination of all forms of racial discrimination and apartheid, as well as ideologies based on racial supremacy and hatred. It had also actively participated in carrying out the Programme of the Decade for Action to Combat Racism and Racial Discrimination and the programme of activities to be undertaken during the second half of the Decade.

180. The members of the Committee congratulated the Government of the Byelorussian SSR on its efforts to maintain strong relations with the Committee and commended its involvement in the struggle against racism and racial discrimination.

181. With reference to articles 2 and 5 of the Convention, it was noted that the emphasis placed by the Byelorussian SSR on meeting the socio-economic needs of the population as a factor in the elimination of racial discrimination should also be taken into account in developing countries. It was requested that in the next report the relatively backward areas with mixed ethnic groups be identified and that reference should be made to the special programmes undertaken in those areas to protect the rights of the people and to raise their standard of living with a view to their integration into the national mainstream. Several questions were put concerning the demographic composition of the Byelorussian SSR, in particular with regard to the Jewish population, which was considered to be sufficient to warrant the existence of special minority institutions. That raised the question of what exactly was meant by the term "native language"; whether any such languages were recognized; and whether "native language" meant the languages which were spoken by a certain minimum number of people. Referring to article 159 of the Constitution which provided that "judicial proceedings in the Byelorussian Soviet Socialist Republic shall be conducted in Byelorussian, Russian or the language spoken by the majority of the people in the locality", it was asked whether that was the definition of "native language" or whether the term covered any language spoken by a considerable majority of the population and whether such a language was considered as one in which education should be given. In connection with another provision of the same article that persons participating in court proceedings who did not know the language in which the proceedings were being conducted had the right to become fully acquainted with the materials in the case, it was asked what criteria were used to determine if a person knew a language or not, whether the criteria were set out in legislation and whether it was the judge or the person himself who decided on his linguistic competence.

182. It was pointed out by several members that the Byelorussian SSR had opposed all manifestations of racial discrimination wherever they occurred and had fulfilled the obligations it

had assumed under article 3 of the Convention. Its bilateral and multilateral activities of a moral and material nature had bolstered the world-wide struggle against racism and apartheid and its support of Security Council decisions and United Nations resolutions had contributed to the isolation of the South African apartheid régime.

183. As to article 4 of the Convention, attention was drawn to article 71 of the Criminal Code which provided that any propaganda or agitation aimed at inciting racial or national enmity or discord was punishable. Some members wondered whether that article fully covered all the requirements under article 4 (a) and (b), especially in view of the emphasis in those paragraphs on the punishment of any incitement to racial discrimination and on the prohibition of organizations promoting or inciting racial discrimination. Another member pointed out that, although provisions along those lines were not formally included in article 71, the whole spirit of the anti-racist legislation allowed for no uncertainty as to whether article 4 was fully implemented. It was nevertheless necessary in all countries to prohibit explicitly such activities and organizations and to bring national legislation into line with the requirements of the Convention.

184. With regard to article 5 of the Convention, it was pointed out from the report that much had been done to ensure the social and economic equality of all nationalities and ethnic groups in the Byelorussian SSR. To that end, it had been necessary to change the economic and political structure of the country, through a constructive policy of eliminating the vestiges of the past and ensuring the harmonious interaction of all ethnic groups. More detailed information was required, however, about the implementation of article 5 (e) (v) and (vi), and particularly about the specialized language training programme and measures to ensure the participation in cultural activities of all ethnic groups. It was observed that article 48 of the Constitution, which provided for freedom of speech, of the press and of assembly, contained a very important restriction because that freedom could be exercised in accordance with the interests of the people and in order to strengthen and develop the socialist system. Several questions were asked concerning political and cultural rights in the Byelorussian SSR, in particular, how were issues relating to freedom of movement and residence of citizens resolved, and what restrictions could be placed on freedom of movement and residence within the country or outside; whether it was possible to engage in religious proselytism; and whether the religious education was not in fact subject to certain specific conditions. Some additional information was requested on the provisions of the Act on Elections to the Supreme Soviet of the Byelorussian Soviet Socialist Republic, and on the practical application of sanctions under those provisions. It was asked what were the guarantees that judges were independent and competent, and if there was statute embodying measures to ensure that they were. With regard to the Jewish population of the Republic, it was asked whether the Jews could preserve their mother tongue - Hebrew or Yiddish - and whether they had a reasonable chance to learn and be taught in those languages and to enjoy the benefits of their culture.

185. In connection with article 6 of the Convention, reference was made to the provisions of the Constitution dealing with the compensation of damages, caused by the unlawful acts of State and of officials and guaranteeing the right of citizens to lodge a complaint against the actions of officials and of the State or public bodies, and questions were asked as to whether those provisions were also applicable to the damage caused by individuals; what were the exact provisions of the law concerning the appeal in court; and whether it was an administrative or a judicial body which had to provide compensation for the damage caused to a citizen. It was considered to be useful if the

next report contained, in an annex, the text of the Decree of the Presidium of the Supreme Soviet of the USSR of 18 May 1981 on “compensation for damage caused to citizens by unlawful acts of State or public organizations and of officials in the performance of their official duties”.

186. With reference to article 7 of the Convention, some statistics were requested reflecting the participation of all nationalities in various levels of education and in cultural life as a whole. Noting that questions relating to the struggle against racism and racial discrimination were included in the curricula of secondary schools and institutions of higher education of the Republic, members wished to receive more detailed information on those curricula. Information was also requested on the components of any programme developed to promote understanding among peoples and to make them aware of their rights and obligations, as well as on measures being taken to make public officials and the people at large aware of the provisions of the Convention.

187. Replying to the questions raised by the members of the Committee, the representative of the Byelorussian SSR emphasized, with regard to the implementation of article 4 of the Convention, that all Byelorussian citizens were equal before the law. The principle of equality was enshrined in the Constitution and guaranteed in all spheres of life. Any violation of the rights of citizens was punishable by law. He then referred in this connection to the specific articles of the Criminal Code of the Republic and stated that an organization whose purpose was to incite racial discrimination could not exist in the Byelorussian SSR since national legislation required that all organizations must be registered with the authorities and that their charters must comply with the national Constitution.

188. Turning to some of the questions asked in connection with article 5 of the Convention, the representative gave some specific data on the demographic composition of the Republic and noted that the educational process in his country was trilingual, the languages of instruction being Byelorussian, Russian and one foreign language, which students were free to choose from among English, French, Spanish and German. Schools with instruction in a given language were organized on the basis of two factors: a concentrated population of a given nationality and the desire of parents to have their children attend such a school. There were currently 8,000 schools in the Byelorussian SSR, all of them providing free education. With regard to the question of movement of individuals, citizens had the right to choose their place of residence and their place of work, but there was no need for them to travel outside the country in order to find employment or in order to be educated. As regards the court system in the Byelorussian SSR, he explained that all judges and people’s assessors were elected and could be removed through due legal process. The impartiality of judges and the courts was guaranteed at all levels. The Constitution ensured that persons participating in court proceedings had no language problems and, in accordance with article 37 of the Code of Criminal Procedure, decisions could be reviewed, should such problems in fact arise. It was basically the court that decided which language was to be used, but the defendant and his or her legal counsel were consulted in that connection. As to the question of the development of less-developed parts of the Republic, the representative pointed out that the Byelorussian SSR was governed on the basis of planned economic programming, which provided for equality of development in all parts of the Republic. The Republic did not have backward regions or districts and every effort was made to prevent the emergence of features that would hamper the development of any individual nationality or group within the Republic.

189. With reference to article 6 of the Convention, the representative referred in detail to the specific articles of the Criminal Code and the Constitution. Citizens of the Byelorussian SSR were entitled to compensation for damage caused by unlawful actions committed by both State organizations and individuals and, in accordance with article 5 of the Fundamentals of Civil Procedure of the USSR and Union Republics, were entitled to bring such matters before a court.

190. With respect to article 7 of the Convention, the representative assured the Committee that the curricula of educational institutions at all levels provided for teaching about international instruments on human rights and racial discrimination. A large amount of attention was devoted to the subject by the mass media and there was an established system of legal advice workshops in large and small towns throughout the Republic, where established jurists would deliver lectures, provide explanations of the legal position concerning racism and racial discrimination and answer questions from the general public. Radio and television provided coverage of the role of international organizations in that respect and the part played in them by the Byelorussian SSR, together with background information on such events as the International Day of Solidarity with the Struggling People of Southern Africa and Namibia Day.

## **CERD A/40/18 (1985)**

140. The eighth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/118/Add.9) was considered by the Committee at its 705<sup>th</sup> and 706<sup>th</sup> meetings, held on 7 and 8 March 1985 (CERD/C/SR. 705 and 706).

141. The report was introduced by the representative of the Byelorussian SSR who referred to the fortieth anniversary of the liberation of his country from the Fascist invaders in the Second World War and pointed out that the events marking that victory represented for the population a means of strengthening friendship and co-operation among peoples in the interests of international peace and respect for human rights. More than 80 nations and nationalities lived in his country. All citizens enjoyed equal rights and freedoms, regardless of their national origin. People of different national origins were integrated throughout the territory and there were a large number of mixed marriages. He informed the Committee that the Code on Administrative Offences had been adopted in 1984; article 228 of that Code provided that matters relating to administrative offences should be considered on the basis of equality before the law. He added that his country supported the complete and definitive elimination of the vestiges of colonialism and racism, and roundly condemned the inhuman policy and practice of apartheid.

142. Members of the Committee emphasized the role of the Byelorussian people in the victory over fascism and the fact that they had suffered severe casualties during the Second World War. They also expressed the hope that the next report would contain updated statistics on the growth of the various nationalities.

143. With regard to article 3 of the Convention, members of the Committee congratulated the Byelorussian Government for the steps it had taken against apartheid.

144. Regarding article 4 of the Convention, attention was drawn to the need for a meeting of minds between the Committee and the Byelorussian Government on the implementation of that article.

145. Concerning articles 5 and 6 of the Convention, the Committee took note of the new decree on the right of citizens to housing the decree on compensation for damage to a citizen, resulting from unlawful actions by State or public organizations or by officials in the performance of their duties. Further information was requested concerning the educational system, particularly with regard to higher education. Members wished also to know whether there were any migrant workers in the Byelorussian SSR and to what extent measures had been taken by the Government to protect their rights.

146. As far as article 7 of the Convention was concerned, the Committee took note of the measures aimed at promoting understanding among nations.

147. Replying to questions raised by members of the Committee, the representative of the Byelorussian SSR promised to transmit the request of the Committee for updated demographic data to his Government. However, a census was taken only once every 10 years, which made it difficult to present exact and up-to-date information on the languages most widely used.

148. With regard to the questions concerning the implementation of article 4, he indicated that the legislation provided sufficient guarantees to prevent activities aimed at incitement to racial discord and hatred. Moreover, the participation of any individual who might have perpetrated such crimes in an organization which advocated racial or national exclusiveness, hostility or contempt was considered to be an aggravating circumstance.

149. Regarding the questions on education, he informed the Committee that primary and secondary education were compulsory and free of charge. At the secondary and higher levels there was ample provision for day, evening and correspondence courses and State scholarships. Since the various nationalities were dispersed throughout the country, it had been decided that instruction would take place either in Byelorussian or in Russian. People who were not native speakers of Byelorussian or Russian had the opportunity to enjoy their cultural traditions with no limitations whatsoever.

150. He said that workers from other Soviet republics - of which there were many, since such labour flows were encouraged in the Soviet Union - were not considered to be migrants and their rights, including the right to be elected to public office, were identical in every respect to those of local workers. There were some foreign workers under contract to foreign firms engaged in industrial construction in the Byelorussian SSR; article 35 of the Constitution guaranteed their rights and freedoms.



## **CERD A/42/18 (1987)**

651. The ninth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/149/Add.5) was considered by the Committee at its 792<sup>nd</sup> meeting on 12 March 1987 (CERD/C/SR/792).

652. In his introductory statement, the representative of the Byelorussian SSR made reference to relevant parts of the report.

653. Members of the Committee congratulated the representative on the excellent and instructive report, which was in conformity with the Committee's guidelines (CERD/C/70/Rev.1). The reports of the Byelorussian SSR were submitted with praiseworthy punctuality and gave proof of the Government's willingness to maintain a regular dialogue with the Committee.

654. Clarification was sought as to which constitution the report referred to and what was meant by nationalities in Eastern European countries.

655. Members praised the reporting State for the very firm position it had taken against apartheid and for the aid it was providing to its victims.

656. In relation to the implementation of article 5 taken in conjunction with article 2, paragraph 2, of the Convention, members of the Committee wished to receive more detailed information on the ethnic composition of the population and asked what special measures, if any, the Government had taken to help certain ethnic groups. They also asked whether every citizen, regardless of national affiliation, could be elected to public office in the Byelorussian SSR and whether Byelorussians enjoyed such treatment in other republics. It was noted that the situation of foreign citizens was regulated by the Act on the legal status of aliens in the USSR and additional information was requested about duplication between the legislation of the Soviet Union and that of the Byelorussian SSR; in particular, it was asked whether certain laws of the Soviet Union were automatically applied in the Byelorussian SSR and vice versa.

657. Members asked whether the general education given to children covered human rights, especially those rights concerning freedom of speech and the organization of trade unions, what facilities were available to study Yiddish and Polish, whether the right to work was expressly guaranteed by the Constitution and how the 80 different nationalities enjoyed that right. Additional information was requested about improvements in the living conditions of the 80 nationalities living in the Byelorussian SSR and the educational levels of the different ethnic groups. Clarification was requested regarding the opportunities available to citizens to attend a school where teaching was in their native language. It was asked how the right to freedom of thought, conscience and religion was being applied in the Byelorussian SSR, and whether persons who openly claimed to be the followers of a religion had the right to participate in the State's executive bodies. More detailed information was requested on how the 1983 Act on the interrelationship between labour collectives and the organs of State power was applied, and about the mechanisms by which the decisions taken by the workers' collectives were translated into the legislation of the State.

658. It was asked whether the Byelorussian SSR accepted refugees and, if so, what status they were

accorded.

659. Concerning the implementation of articles 4 and 6 of the Convention, members of the Committee observed that it was necessary for States parties to go beyond mere references to the Constitution and to report in a more pragmatic way, indicating specific cases of discrimination and the action taken by the authorities to sanction such cases. They suggested that the next periodic report of the Byelorussian SSR should contain specific examples together with the conclusions, judgements and decisions that had been taken by tribunals or relevant institutions on cases of racial discrimination.

660. Members of the Committee asked whether article 71 of the Criminal Code, the only provision which implemented article 4 of the Convention, was designed to cover all forms of racial discrimination, whether the penalty of internal exile was imposed at the actual place of residence of the person or elsewhere, whether all judges were professional judges and what their educational background was, whether the Government was taking steps to ensure that the authors of anti-Zionist publications did not abuse their privilege by using anti-zionism as a cloak for the practice of anti-Semitism.

661. Additional information was requested about the bodies responsible for protecting rights in the Byelorussian SSR and it was asked whether those bodies could act ex officio or only at the request of citizens. It was also asked whether citizens had the right to appeal directly to the tribunals or whether they first had to apply to the public prosecutor and, if so, what remedy they had if the public prosecutor refused to institute proceedings. More detailed information was requested on the legal remedies available to citizens who considered themselves the victims of violations of rights enshrined in the Convention and it was asked whether those remedies were rapid and effective.

662. With regard to the implementation of article 14 of the Convention, it was asked whether the Government would be willing to make the optional declaration under that article recognizing the competence of the Committee to deal with individual communications.

663. In reply to the questions and comments by the members of the Committee, the representative of the Byelorussian SSR emphasized the importance for his country of the debate that had just taken place and informed the Committee that the various supervisory organs, at all levels, monitored the implementation of the law and could intervene in cases of dispute. Justice was administered by elected people's assessors, as well as by judges and public attorneys who were professional men and also elected.

664. He explained that human rights were taught in the schools as a part of various disciplines, such as history and social sciences, and that the study of the instruments relating to human rights, including the country's Constitution and the relevant international instruments, was included in the secondary school curriculum.

665. Replying to a question about equality between the different nationalities, he said that, according to the figures of the 1979 census, which was the most recent, of a total population of 10 million inhabitants at that time, there had been 7.6 million Byelorussians, 400,000 Poles, 230,000 Ukrainians, 135,000 Jews, 10,000 Tatars, 8,000 Lithuanians, 6,400 Gypsies, 2,600 Letts, 2,300

Armenians, 1,900 Chuvashes, 1,800 Moldavians, 1,800 Uzbeks, 1,700 Morovians and various other nationalities comprising less than 1,000 persons. The largest group was that of the Byelorussians - 80 per cent - followed by the Russians. It should be noted that those populations did not live in isolation and that there was real intermingling among them.

666. All persons of Byelorussians nationality and other nationalities with Soviet citizenship living in the Byelorussian SSR had the right to vote and to be elected to public office.

667. Referring to the implementation of article 5 of the Convention and its consequences in the labour field, he pointed out that his country's Constitution confirmed the equality of all citizens without distinction with regard to employment and social development. More specifically, its labour legislation provided for the conclusion of labour agreements; it guaranteed work, free vocational education, the improvement of working conditions, old-age insurance, sickness insurance and the exercise of trade-union rights. It prohibited discrimination with respect to wages for reasons of race.

668. The law provided for a choice in the language of education, which could be the mother tongue or another language of one of the Soviet Socialist Republics. At the time of registering children of school age, parents were invited to indicate the school to which they wanted to send their children. Their choice was mainly determined by the language spoken in the home.

669. In the Byelorussian SSR, all nationalities had benefitted from cultural development, which had made it possible to eliminate the illiteracy which had affected 80 per cent of the population in the 1920s. They also benefitted from economic and social progress and were in no particular need.

670. Referring to opportunities for nationals of the Byelorussian SSR to obtain executive positions or promotion in other Soviet Republics, he said that they depended on the professional and moral qualifications of the candidate.

671. Concerning the competence of the State and that of the workers' collectives, he said that the local organs and State authorities had different functions which did not necessarily coincide, but both were needed to implement a decision. In that connection, a law on enterprises was now under discussion that would deal, among other things, with the specific rights of enterprises and executive organs and relations with the local and central State organizations, and that would strengthen the self-management system.

672. There were no refugees in the Byelorussian SSR, for no problems of that kind existed in neighboring countries.

673. Replying to the question as to whether religious believers could participate in State executive bodies, the representative pointed out that State bodies contained many atheists but also believers. There were no statistics on that matter, since affiliation to a religion was never mentioned in official documents.

674. Concerning the procedure for punishing violations of human rights, he said that as a general rule the supervisory organs at all levels - judicial, administrative, social and trade-union - were authorized to settle disputes of that kind quickly and on the spot.



## **CERD A/45/18 (1990)**

269. The tenth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/172/Add.15) was considered by the Committee at its 879<sup>th</sup> meeting, held on 16 August 1990 (CERD/C/SR.879).

270. The report was introduced by the representative of the reporting State, who said that during the period under review many of the documents on which it had been based had been superseded by new legislation adopted by the Byelorussian Parliament. As part of the ongoing process of legislative reform, a Constitutional Commission had been established to draft a new Constitution. Furthermore, significant changes to the existing legislation had been introduced during the most recent session of the Supreme Soviet, and other legislative measures would be adopted to ensure full implementation of the basic provisions of the Convention. Legislation currently being prepared would significantly alter the relations between the individual and the State, and details of the new laws would be supplied in the next periodic report. He stressed both the Republic's support of international efforts to eliminate apartheid and its strict maintenance of the economic, diplomatic and other sanctions imposed on the South African regime.

271. Members of the Committee welcomed the report of the Byelorussian SSR, presented with commendable punctuality, indicating the Government's willingness to maintain a regular dialogue with the Committee, and looked forward to receiving detailed information on the new legislation in the next periodic report.

272. While congratulating the Government on its bold initiatives to ensure the rights of individuals, taken in its decision under Act No. 21 of 1988, members wished to know whether any cases had been brought before the courts pursuant to that decision, and, if so, they asked for details to be provided in the next report. They also asked whether cases of racial discrimination came within the scope of the decision and if it had been applied in the courts or entailed action only at the administrative level. Information was requested on the current procedures for settling disputes involving violations of human rights.

273. In connection with article 2 of the Constitution, members sought clarification on whether, under the new Act on National Education, national minorities were at a disadvantage since both Russian and Byelorussian took precedence over other languages. Further information on the policy relating to national minorities was requested, in particular on: whether they were allowed the free study of their languages; the functioning of their schools; whether the prerequisite teaching facilities were available; whether they had to learn three languages; the standard of their scientific and technical education; whether attention was given to the teaching of their history, culture and religion; and on the position of their language publications. Members also wished to know the language in which government business was conducted; whether Byelorussian was an official State language; and whether Russian-speaking people learned a second language of the Republic. It was also inquired whether the quota system was still in operation as part of the affirmative-action programme and as part of a broader national policy, especially in universities and in white-collar employment; and whether a quota was allocated for the representation of national minorities in municipalities and at the Republican level.

274. While noting that the Constitution and article 77 of the Criminal Code reflected the spirit of article 4 of the Convention, members requested information on whether specific legislation was being contemplated to prohibit racist organizations; and on the action taken to deal with them.

275. With regard to article 5 of the Convention, members welcomed the addition of a new article, 124 (2), to Act No. 4 of 1988, making the committal of a healthy person into a psychiatric institution a criminal offence. They wished to know whether the Act considered cases retrospectively; whether any persons had been punished under the Act; whether any patient, if found to be normal, had been removed from the register of the mentally ill; and whether a commission had been appointed to review the possible release of patients from mental institutions. It was also asked what action had been taken to rescind the Penal Code with regard to political prisoners in solitary confinement or in labour camps, and whether those released had been allowed to return to their families or former places of residence. Members sought information on the numbers of Jewish families who had been permitted to leave the country; whether there had been an increase in ethnic Polish emigration; and whether any laws were being passed to fulfil all the obligations relating to the political and civil rights set out in article 5 (d) of the Convention. In view of the acute housing shortage throughout the Soviet Union, it was asked if priority was being given to the provision of housing in the Republic. Noting the importance of the amended Code of Labour Laws, members asked for additional information on its implications; whether any cases of action had been taken under the Code; and whether rapid and effective remedies had been available to the citizens concerned.

276. In connection with article 6 of the Convention, members requested specific details on cases of discrimination, and subsequent action, as had been requested during the consideration of earlier reports. They asked whether recourse had been available to individuals punished by the police for minor offences, and whether the authorities were conducting campaigns to heighten legal awareness among the population. Members wished to know whether effective remedies were available for protection against violations of human rights, particularly those relating to racial discrimination; whether victims could request assistance from the Public Prosecutor and if he was responsible for instituting proceedings when there were grounds for so doing; and whether the Convention could be directly invoked before the courts.

277. With regard to article 7 of the Convention, members sought clarification on whether the aim of fostering understanding of ethnic differences and the study of different cultures and civilizations were included in the school curricula; whether teachers were given special training in the culture of various ethnic groups; and whether the phenomenon of racial discrimination was covered by the media.

278. In response to questions raised by members of the Committee under article 2 of the Convention, the representative stated that guarantees had been provided and steps taken to prepare schools and teachers for the free study of Byelorussian, which was an official State language of the Republic. Measures had also been taken to produce a sufficient number of relevant textbooks and to ensure their consistency with the new legislation.

279. In reply to questions raised under article 4 of the Convention, the representative said that there was no specific legislation prohibiting racial discrimination, but nor was he aware of any prosecutions for the crime. However, the provisions of the Constitution and the Criminal Code

covered the prohibition and punishment of all forms of discrimination, including the propagation of racial or ethnic hatred.

280. With reference to the questions raised under article 5 of the Convention, he stated that statistics were not available on the number of healthy persons committed to psychiatric hospitals, although they had undoubtedly been few in number. Responsibility for such cases lay with the same group of doctors who had been prosecuted for such offences, although he could not provide names or report on specific cases. All patients who had been released had been given due compensation and employment. He was unable to give the exact number of Jews who had left the Republic, but the figure was, perhaps, fairly substantial as a result of the lifting of travel restrictions. Census figures revealed that approximately 23,000 Jews had left the Republic in the space of 10 years, and it was presumed that emigration accounted for a large proportion of that figure. Housing was not the Republic's primary problem, but it was acute because one fifth of the population had been affected by the Chernobyl disaster and subsequent resettlement had placed an intolerable strain on the country's existing housing infrastructure.

281. With regard to the questions raised under article 7 of the Convention, the representative said that school-age children were less prone to racially and ethnically discriminatory attitudes than adults, therefore it was not difficult to render children immune to racial discrimination. He added that there was no evidence of racial conflict in the Republic's schools.

282. Finally, the representative assured the members of the Committee that note had been taken of all the questions raised and these would be fully answered in the eleventh periodic report of the Byelorussian SSR.

## **CERD A/50/18 (1995)**

321. The eleventh, twelfth and thirteenth periodic reports of Belarus submitted in one document (CERD/C/263/Add.4) were considered by the Committee at its 1101st and 1102nd meetings, on 1 August 1995 (see CERD/C/SR.1101 and 1102).

322. The report was introduced by the representative of the State party, who highlighted the principal points of the report, drawing the attention of the Committee to the new legislative acts adopted during the past few years with due regard paid to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. Particular reference was made to the relevant parts of the Constitution, to the Act on National Minorities in the Republic of Belarus, the Bishkek Agreement, article 71 of the Criminal Code, article 6 (1) of the Code of Labour Laws, the Act on Trade Unions, the National Housing Programme and acts relating to the right to education, culture and access to information. The representative of the State party indicated that during the reporting period - from 1988 to 1 July 1995 - no criminal proceedings had been recorded regarding allegations of racial discrimination.

323. Members of the Committee welcomed the resumption of dialogue with the State party and observed that Belarus transition to democracy and a multiparty system was proceeding without serious ethnic tension or strife of the kind that had developed in most other former republics of the Soviet Union, for which the country deserved credit. Having noted that political and economic transition inevitably entailed a certain incoherence in a country's internal situation and policies, they felt able to commend the report submitted by Belarus even though it was not fully in compliance with the Convention.

324. It was of particular concern to the members of the Committee that the report lacked information on the demographic composition of Belarusian society.

325. In relation to article 2 of the Convention, members indicated that although the report contained many references to various legislative acts, there was little information on the content of those acts and no information on the extent to which they had been implemented, especially as far as the Act on National Minorities in the Republic of Belarus was concerned. In addition, they noted that the report's coverage of the legal situation was far more detailed than the factual information provided on national or ethnic minorities.

326. The members of the Committee recommended that Belarus consider withdrawing its reservation to the Convention since this reflected the tensions of an earlier age.

327. With respect to article 4 of the Convention, members of the Committee indicated that legislation so far adopted, and in particular article 71 of the Criminal Code, appeared to be consistent with the provisions contained in subparagraph (a) of that article, but not with those contained in subparagraph (b). The report gave no indication of how or whether steps had been taken to prevent public authorities or institutions from promoting or inciting racial discrimination, or whether public officials received training to ensure that they did not encourage discrimination by word or deed.



328. In connection with article 5 of the Convention, members of the Committee, having noted that the report under consideration provided less information than the tenth periodic reports, wished to know whether national minorities were represented in the Supreme Council and local government and administration; whether it was possible to form political parties or other organizations in Belarus on the basis of ethnicity; and, given the large number of minorities in Belarus, whether any action had been taken to encourage integrationist multiracial organizations and movements to bring the minorities together and make them feel they were all part of one people.

329. In connection with article 6 of the Convention, members of the Committee regretted the lack of sufficient information with respect to its implementation. They noted that no cases of criminal proceedings for offences under article 71 of the Criminal Code had been recorded so far. Members recalled in that connection that the Committee on earlier occasions had remarked that the absence of such cases might stem from a lack of information on the part of the population regarding their rights and the remedies open to them, or from insufficient attention by the judicial authorities to that type of offence.

330. In connection with article 7 of the Convention, members of the Committee welcomed the attention being given in schools to the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. At the same time, they wished to have more information on measures taken by the Government to provide training for teachers, magistrates and police officers in order to sensitize them to the nature of racial discrimination.

331. With respect to article 8 of the Convention, members asked whether Belarus would consider ratifying the amendments to provisions on the financing of the Committee (art. 8, para. 6).

332. In relation to article 9 of the Convention, members of the Committee emphasized that compliance with its paragraph 1, regarding the regular submission of reports, was of the greatest importance.

333. In connection with article 14 of the Convention, members of the Committee, noting that Belarus was a State party to the Optional Protocol to the International Covenant on Civil and Political Rights, wished to know whether Belarus would consider making the declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation by the State party of any of the rights set forth in the Convention.

334. Replying to questions and comments by members of the Committee, the representative of the State party said that the situation covered by the report was constantly evolving, so that it was more concerned with general trends. Because of that difficult situation of transition, the requisite statistics were not available.

335. As to the demographic composition of the population, the representative said that according to the 1994 census, there were 10.4 million inhabitants. The ethnic groups were divided as follows: Belarusians, 78 per cent; Russians, 13 per cent; Poles, 4 per cent; Ukrainians, 3 per cent; Jews, 1 per cent; and other nationalities, 1 per cent.

336. The representative said that there were no political parties in Belarus founded on a purely national or ethnic basis.

337. With regard to the amendment to article 8, paragraph 6, of the Convention, the declaration provided for under article 14 of the Convention and the question of the reservation formulated by Belarus at the time of ratification, the representative of the State party assured the Committee that he would transmit its recommendations to his Government.

338. In conclusion, the representative of the State party thanked the members of the Committee for their many observations during the course of the debate, which Belarus would find helpful in drafting its fourteenth periodic report. He also asked the Committee to send Belarus information on the political representation of national minorities in State decision-making bodies together with concrete recommendations on the matter, which the Government could then follow. In revising its national legislation. The Committee's assistance had been sought for the drafting of the electoral law currently under preparation in Belarus.

#### Concluding observations

339. At its 1122nd meeting, on 15 August 1995, the Committee adopted the following concluding observations:

##### (a) Introduction

340. Appreciation is expressed to the State party for its readiness to continue the dialogue with the Committee. It is regretted, however, that the eleventh and twelfth periodic reports were not submitted on time.

341. At the same time it is observed that Belarus has undergone radical political, social and economic changes since the Committee's last consideration of the State party's report in 1989 and that the process of transition towards a multi-party democracy and a market economy is still under way in Belarus with all the difficulties that such a process may generate.

342. It is noted that the State party has not made the declaration provided for in article 14, and some members requested that the possibility of such a declaration be considered.

##### (b) Positive aspects

343. The legislative measures adopted by the Government of Belarus with a view to bringing national legislation into conformity with the Convention are welcomed. In that connection, note is taken of the Act of the Republic of Belarus "On the Constitutional Court of the Republic of Belarus" and the actual establishment of the Court; of the Act of the Republic of Belarus "On national minorities in the Republic of Belarus" designed to prevent and combat discrimination on grounds of nationality and incitement of enmity between different nationalities; of the law on culture of 1991; of the law on languages of Belarus of 1990; of the signature by Belarus of the Bishkek agreement on matters connected with the restoration of the rights of deported persons, national minorities and

peoples; and of the forthcoming establishment of the Council on international relations.

(c) Principal subjects of concern

344. It is regretted that not enough information has been provided by the State party on legislative, administrative and other measures for the implementation of the Convention.

345. Concern is again expressed that the State party has not implemented the provisions contained in article 4 (b) of the Convention and has not provided information on the practical implementation of provisions of article 4 (c).

(d) Suggestions and recommendations

346. The Committee recommends that in its next periodic report the State party fully reports on judicial, administrative and other measures adopted to give effect to the Convention.

347. The Committee further strongly recommends that the State party comply fully with the obligations under article 4 of the Convention and that necessary legislative measures be taken in order to give full effect to the relevant provisions of that article.

348. The Committee requests the Government of Belarus to provide it, in its fourteenth report due in 1996, with information on the ethnic composition of Belorussian society and on the situation of different minorities in terms of their participation in public life and their access to education, culture and information in their mother tongue.

349. The Committee draws the State party's attention to the periodicity of reporting as established by the Convention and urges the State party to comply therewith.

350. The Committee recommends that the United Nations Centre for Human Rights, within the framework of its Technical Cooperation programmes, assist Belarus, as requested by the delegation of the State party, in its efforts to harmonize national legislation with the Convention.

351. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States parties.

352. The Committee recommends that the State party's fourteenth periodic report, due on 7 May 1996, be a brief updating report.

## **CERD A/52/18 (1997)**

100. The Committee considered the fourteenth periodic report of Belarus (CERD/C/299/Add.8) at its 1192<sup>nd</sup> and 1193<sup>rd</sup> meetings (CERD/C/SR.1192 and 1193), held on 6 and 7 March 1997. At its 1210<sup>th</sup> meeting, held on 19 March 1997, it adopted the following concluding observations.

### **A. Introduction**

101. The Committee welcomes the timely submission of the State party's fourteenth periodic report and expresses its satisfaction to the high-level delegation for the additional information provided in answer to the questions raised by members of the Committee during the discussion. The Committee notes with appreciation that the report follows the recommendations contained in its previous concluding observation, 9/ although it regrets that the report fails to provide information on the implementation of the provisions of the Convention in practice, including judicial practice.

### **B. Factors and difficulties impeding the implementation of the Convention**

102. The present situation in the country, with the profound economic and social changes induced by the dissolution of the former Soviet Union and the massive inflow of immigrants and asylum seekers, are not conducive to the full implementation of the Convention.

### **C. Positive aspects**

103. The withdrawal by the State party of its reservation to article 22 of the Convention is welcomed. The notification that the Government is considering making the declaration under article 14 and ratifying the amendments to article 8, paragraph 6, of the Convention is noted with appreciation by the Committee.

104. The establishment of a coordinating council for national minorities within the Council of Ministers, the setting up of a State committee on religious and national questions and the forthcoming establishment of an ombudsman's office are welcomed by the Committee.

105. The signature by the State party of the Commonwealth of Independent States (CIS) Convention concerning the Rights of Persons Belonging to National Minorities in 1994 and of the CIS Convention on Human Rights and Fundamental Freedoms in 1995 is noted with interest. The fact that the later contains provisions prohibiting racial discrimination and incorporates a monitoring procedure which will be competent to receive complaints from individuals is viewed by the Committee as a positive measure, although further examination may be needed as to the relationship of those conventions to the International Convention on the Elimination of All Forms of Racial Discrimination.

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9/ [Official Records of the General Assembly, Fiftieth Session, Supplement No. 18 A/50/18)], paras. 339-352.

106. The detailed information provided in the report on the ethnic composition of the population, involving national, ethnic, cultural, linguistic and religious minorities in Belarus, is welcomed.

107. The adoption of an Act on Refugees in 1995, which takes into account the provisions of the 1951 Convention relating to the Status of Refugees, is welcomed. In this regard, it is noted that bilateral agreements have been concluded between Belarus and neighboring countries to regulate migratory movements, and that agreements have also been concluded with the Commonwealth of Independent States in the framework of assistance to refugees and displaced persons.

108. It is noted with appreciation that various legislative acts have been adopted to comply with the provisions of article 4 of the Convention, such as the Act on the Press and Other Mass Media, which prohibits the use of mass media to incite national, social, racial or religious intolerance or discord; the Act on Political Parties, which prohibits the establishment and activities of parties whose aim is to carry out propaganda for national, religious or racial enmity; and the Act on Public Associations, which prohibits the establishment of public associations which incite national, religious or racial enmity.

109. With respect to article 7 of the Convention, it is noted with satisfaction that the teaching of the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights and of the principal international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, is part of school curricula in Belarus. Moreover, the development, in cooperation with the United Nations Development Programme, of the "democracy, public administration and participation" project, in the framework of which training in the field of human rights of jurists, law enforcement officials, teachers and educators is envisaged, is welcomed by the Committee.

#### D. Principal subjects of concern

110. The lack of concrete information concerning the implementation of various laws relating to protection against racial discrimination, in particular the Act on Refugees, the Act on National Minorities, the Act on Public Association, or the Act on the Press and Other Mass Media, is noted with regret, given that it hampers the effective assessment of the implementation of the provisions of the Convention.

111. Concern is expressed at the lack of specific legislative provisions prohibiting racial discrimination by private groups or associations. In this regard, it is stressed that article 2, paragraph 1 (d), of the Convention makes it an obligation for States parties to prohibit, including by means of legislation, racial discrimination "by any persons, group or organization".

112. With respect to article 5 of the Convention, the lack of information on the participation in public life of ethnic minorities and on their economic and social situation, especially with regard to access to employment, health, education and housing, is regretted, especially since this makes it difficult to evaluate the effective enjoyment by all such groups of the rights mentioned in article 5.

113. It is regretted that it has not been made clear whether the Act on the Judicial System and the Status of Judges in the Republic of Belarus (1995), under which the courts are required to protect

social, economic and political rights and freedoms of individuals, regardless of their origin, race, nationality or language, provides for the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination, as provided for by article 6 of the Convention.

114. In connection with article 6, it is noted that no cases of criminal proceedings for racial discrimination in general, and for offences under article 71 of the Criminal Code in particular, have been recorded so far.

115. With respect to article 7 of the Convention, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aimed at raising their awareness of problems related to racial discrimination, is regretted.

#### E. Suggestions and recommendations

116. The Committee recommends that information on the implementation in practice of the laws relating to the prevention and elimination of racial discrimination be included in the next periodic report. In particular, the mention of any relevant court cases will be appreciated.

117. In connection with the activities of the recently established State Committee on Religious and National Questions, the Committee draws the attention of the State party to its General Recommendation XVII (42) on the establishment of national institutions to facilitate the implementation of the Convention.

118. The Committee recommends that specific legislation be adopted to prohibit racial discrimination by private groups or organizations, in accordance with article 2, paragraph 1 (d), of the Convention.

119. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e). For this purpose, the Committee recommends that national or ethnic minority associations in the State party be consulted on their experiences regarding these matters.

120. In connection with article 6 of the Convention, the Committee requests that information be provided on the availability of the right to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination. The Committee recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided in the next report.

121. The Committee further recommends that the State party furnish a reply to the question about the reason for the absence of prosecutions relating to racial discrimination offences, so as to assess whether this is due to the actual non-existence of such offences, or to a lack of awareness of the population of their rights or to a lack of effective enforcement of the relevant laws by the competent authorities.

122. The Committee also recommends that due attention be paid to the availability of education in the Belarusian language for all students who desire to study in that language.

123. In the framework of article 7 of the Convention, the Committee recommends that training concerning the principles and rights enshrined in the Convention be provided to law enforcement officials, judicial personnel, teachers and social workers. Similarly, the Committee recommends that the State party continue its efforts to incorporate the principles of the Convention in school curricula at all levels.

124. While it welcomes the publication of the report, the Committee recommends that the fourteenth periodic report of the State party, as well as the present concluding observations be widely disseminated among the public at large.

125. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992, at the Fourteenth Meeting of the States Parties to the Convention.