



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Seventeenth periodic reports of States parties due in 2002**

**Addendum**

**BELARUS\* \*\***

[20 February 2004]  
[RUSSIAN]

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\* This document contains the fifteenth to the seventeenth periodic reports of the Republic of Belarus due on 8 May 1998, 2000, and 2002 respectively, submitted in one document. For the fourteenth periodic report and the summary records of the meetings at which the Committee considered the report, see document CERD/C/299/Add.8 and CERD/C/SR.1192, 1193, 1210.

\*\* Annexes to this report may be consulted in the Secretariat's files.

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## **Introduction**

1. This report is submitted in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination and has been prepared in accordance with the general guidelines regarding the form and content of reports to be submitted for consideration by States parties in accordance with article 9, paragraph 1, of the Convention. This combined fifteenth, sixteenth and seventeenth reports on the implementation of the Convention in Belarus during the period 1997-2002 contains updated information on the current situation and reviews the legal status and practice of the application of the provisions of the Convention in Belarus, taking account of the changes that have occurred since the submission of the fourteenth report (CERD/C/299/Add.8). Account has also been taken of the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the fourteenth periodic report of Belarus (CERD/C/304/Add.22).

### **I. GENERAL INFORMATION**

2. As a party to the Convention, the Republic of Belarus is keenly aware of the reprehensibility and injustice of discrimination against people on grounds of race, colour, language, religious affiliation or ethnic origin and is taking purposeful action to realize one of the most important goals of the United Nations - the promotion and comprehensive development of universal respect for and observance of the rights and fundamental freedoms of citizens irrespective of race, nationality, sex, language or religion, and to ensure the freedom and equality before the law of all citizens of the Republic.

#### **Demographic situation**

3. The present demographic situation in Belarus is characterized by the simultaneous impact of a number of negative factors - serious environmental, socio-economic and socio-political disturbances. This has led to a decrease in the total population, which started in the 1990s and is still continuing. At the beginning of 2001, Belarus had a population of 9,990,400, the same level as in 1986, but in only 10 years, from 1990 to 2000, it fell by 221,000.

4. In addition, the mortality rate has exceeded the birth rate since 1993, resulting in the depopulation not only of rural but also of urban areas. During this period, the birth rate fell by 39.8 per cent (13, 9.8, 8.8 and 9.4 in 1990, 1995, 1997 and 2000, respectively). The slight increase recorded in 1998-2000 was due to an increase in the number of women of the most active childbearing age (20-29). More specifically, the birth rate reflects the overall reproduction rate of the population, giving an idea of the average number of children born to a woman in her lifetime, disaggregated by maternal age. With a decline from 1.91 in 1990 to 1.31 in 2000, it can be concluded that the birth rate in Belarus is insufficient to ensure population renewal.

5. The birth rate also depends to a significant extent on the number of marriages and divorces. The number of marriages registered in Belarus over the past 10 years has fallen by 56.5 per cent (from 9.7 per thousand in 1990 to 6.2 per thousand in 2000). During the same period, the number of divorces rose by 26.3 per cent, from 3.4 per thousand in 1990 to 4.3 per thousand in 2000. In all age groups, the proportion of divorced people is much higher

among women than among men, because men remarry more often. Many marriages end because of the death of one of the spouses, who is also more likely to be the husband. According to the 1999 census, 1 woman in 4 was divorced or widowed (27.5 per cent), whereas the comparable figure for men was only 1 in 10 (10.2 per cent).

6. The decline in the national birth rate results from the reduction in the number of fertile women, ageing of the population, a lower marriage rate and higher divorce rate, and a conscious choice on the part of women to have fewer children. Environmental reasons are often behind this last-named factor - radiation phobia and fears concerning the health of children because of radiation contamination of the territory.

7. The infant mortality rate in Belarus has remained stable at 11-13, and has even fallen slightly in recent years (from 13.3 in 1995 to 9.3 in 2000). The overall increase in mortality is a result of the deterioration in the health of persons over 60 years of age. As the population ages, a trend towards lower life expectancy, particularly among males, has emerged. Over the reporting period as a whole, mortality among the male population remained higher than among women. Thus, over the past decade male mortality rose by 33.8 per cent (from 11.2 in 1990 to 15.0 in 2000) while the female rate rose by 17.3 per cent (from 10.4 to 12.2).

8. Average life expectancy fell from 71.1 years in 1990 to 67.9 years in 1999, subsequently rising slightly to 69 in 2000. The decline was greater for men, from 66.3 years in 1990 to 63.4 years in 2000, than for women, from 75.6 years to 74.7 years. Natural movement exacerbated the ageing of the population. In 1989, there were 1,984,000 senior citizens in Belarus, representing 19.5 per cent of the population, against comparable figures of 2,126,000 and 21.3 per cent in 2001. Over the same period, the proportion of children fell from 24.5 per cent to 19.9 per cent, and the population structure shows a decline in the number of children under 16 years of age, while the size of the active population increased.

9. An analysis of changes in the age structure clearly reveals considerable disparities between urban and rural populations. According to the 1999 census, there were 746 dependents for every thousand active persons, but with 1,170 in rural areas against only 607 in towns. Figures for 1989 were 786, 1,100 and 665, respectively.

10. In addition, the normal ratio of men to women in the overall urban and rural population of Belarus which had been disrupted during the Second World War is now being restored. The gradual levelling out of the population structure and the necessary gender balance were achieved by 1994. The 1999 census showed that there were 1,129 women for every 1,000 men, the urban and rural figures being 1,123 and 1,144. The corresponding figures at the beginning of 2000 were 1,131, 1,127 and 1,140 respectively.

11. Moreover, internal and external migration was less intense during the period under review. The migration balance with the Commonwealth of Independent States (CIS) and Baltic countries remains positive. The main migrations to and from Belarus are with Russia, Ukraine and Kazakhstan, 90 per cent of new arrivals being citizens of those countries.

### **Ethnic and racial structure of the population**

12. The Republic of Belarus is a unitary, multi-ethnic State. For many centuries, Tatars, Jews, Poles, Russians, Lithuanians and the Roma have lived there. Members of most other ethnic minorities migrated to Belarus in the twentieth century, chiefly after 1944, during the country's reconstruction following the liberation of its territory from the German fascist occupiers.

13. According to the 1999 census, 81 per cent of the inhabitants of Belarus consider themselves to be Belarusians, the principal ethnic group. The remaining 19 per cent of the population is made up of 140 nationalities, including: Russians (11 per cent), Poles (3.9 per cent), Ukrainians (2.4 per cent) and Jews (0.3 per cent). Armenians and Tatars number more than 10,000 each, Roma about 10,000, Lithuanians and Azerbaijanis more than 6,000 each, Moldovans and Germans more than 4,000 each and Georgians 3,000. Of the total population permanently residing in Belarus, 107,800, or 1.1 per cent, were citizens of other countries. Most ethnic groups are represented by small national communities, 41 of which consist of 10 or less persons.

14. In the early 1990s, migration flows between the republics of the former USSR differed greatly, depending on their composition by ethnic group. Belarusians returned to Belarus and arrivals and departures of members of other ethnic groups intensified. As a result, certain changes occurred in the national composition of the Belarusian population in the past decade (1989-1999).

15. Compared with the previous census, which took place in 1989, there was an increase in the number of Armenians, Azerbaijanis, Arabs, Georgians, Germans, Osetians, Tajiks and Turkmen, while the number of almost all other ethnic groups (Russians, Ukrainians, Poles, Tatars, Lithuanians, Latvians, Estonians, Moldovans, Uzbeks, Chuvash etc.) declined. Following the Israeli Government's policy of encouraging migration of Jews to their historic homeland, their numbers fell from 112,000 to less than 28,000.

16. Racially, the vast majority of the population are of Indo-European stock. Apart from the Roma and people from the Caucasus and Central Asia, there are practically no racial differences and there are therefore no serious grounds for the dissemination of racist ideas in society.

17. Most members of ethnic minorities live scattered throughout the country, mainly in urban settlements, and are prominent in the social structure, the economy, politics and culture. A number of basic indicators (level of education and income, etc.) show that living conditions of the vast majority of representatives of ethnic minorities are at the same, if not superior to those of Belarusians. This is mainly due to the fact that these ethnic groups emerged or were greatly strengthened during the time of the existence of the USSR through the arrival of highly educated migrants from other republics of the Soviet Union, and also that they live mainly in towns.

### **Relations between ethnic groups**

18. The results of scientific studies, sociological surveys and statistical reports show that there has been no significant change in relations between ethnic groups in Belarus since the country obtained independence, and that Belarusian society has maintained its multi-ethnic

character. According to numerous sociological surveys, during the 1990s virtually no consideration was given by the vast majority of Belarusian citizens to national, racial or religious affiliation in their choice of friends or political preferences, nor did these factors affect their careers, advancement or everyday interaction with other people. More than two thirds of Belarusians have relatives of a different ethnic group. It is indicative that the percentage of marriages between spouses of different ethnic groups in Belarus is very high (over 40 per cent).

19. A very revealing factor about the situation of relations between ethnic groups and the inadmissibility of manifestations of discrimination on ethnic and religious grounds is the prevalence in Belarus of forces that combat manifestations of nationalism and xenophobia. In Belarus, unlike in some other republics of the former Soviet Union, aggressive extremist nationalist movements have not managed to acquire any real influence over fellow citizens and are today on the periphery of political life.

20. The Belarusian authorities consider the maintenance of stable ethnic relations one of their most important achievements. The highest officials of the State, and principally the President of the Republic, Mr. Lukashenko, have repeatedly stressed their position of principle, which is to follow universally accepted principles and standards, to respect the obligations they have voluntarily assumed in this area, and to steadfastly observe the proclaimed democratic principles of the national policy.

21. There is no significant conflict of any kind between ethnic groups or religions in Belarus. In the past few years, the stabilization of the overall socio-economic and socio-political situation and the declining influence on public opinion of the situation in other regions of the former Soviet Union, have lead to a steady decline in the number of people who do not exclude the possibility of conflicts arising in Belarus, from over 10 per cent in 1994 to less than 4 per cent at present. This, and the absence of any tension between ethnic or religious groups in Belarusian society that could lead to conflicts between them, has been repeatedly noted by the Organization for Security and Co-operation in Europe.

22. The harmony between ethnic and religious groups in Belarusian society can be explained by the mentality of the country's citizens and the historical traditions of peaceful interaction among ethnic groups living in Belarus. One of the most important factors contributing to the stability of relations between ethnic groups is the Government's clear and consistent policy in this area of social life. The Belarusian authorities strive to maintain trust among ethnic groups and support various forms of dialogue. The necessary conditions have been created in Belarus to preserve and develop the cultures of ethnic minorities and for the operation of their cultural and educational institutions. This has been confirmed by the views of their leaders as well as by authoritative foreign specialists.

23. For instance, in accordance with the recommendation contained in paragraph 20 of the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.22), the Committee on Religious and Ethnic Affairs of the Council of Ministers of the Republic of Belarus carried out a survey among leaders of national public associations. In their view, there is no discrimination in Belarus on grounds of nationality, race or language, and State bodies provide all opportunities to citizens of all ethnic groups for their national and cultural development and the exercise of their rights. The following, in particular, have attested to this: N. Bagirov, president of the public cultural and educational association

*Gobustan* (Azerbaijanis); G. Egiyazarian, president of the Minsk urban cultural and educational association *Aiastan* (Armenians); A. Kim, president of the national public association Association of Belarusian Koreans and president of the union of public associations Belarusian Congress of Ethnic and Cultural Associations; V. Tarnauskaite, president of the national public association Belarusian Public Association of Lithuanians; V. Bublevich, chairman of the public association *Gervyat* Community of Lithuanians; A. Valko, chairman of the public association Moldova Community (Moldovans); T. Gorbach, vice-chairman of the public association *Wiedergeburt* German Cultural Centre; V. Meerson, chairman of the public association *Bobruisk* German Community - German Cultural Centre; O. Shtokman, chairman of the *Bridges* public association of German culture; K. Tarasevich, chairman of the board of the public association Union of Poles in Belarus; M. Tkachov, chairman of the national community association Russian Community; I. Bogdanov, president of the International Foundation for the Development of the Tatar and Bashkir Spiritual Heritage *Chishma*; M. Gaifulin, chairman of the national public association *Kheter* Tatar and Bashkir Cultural Centre; V. Gutovsky, chairman of the Belarusian public association of Ukrainians *Vatra*; O. Kozlovsky, president of the public association Belarusian Roma Diaspora and chairman of the Association of Roma Communities of the Community of Independent States and the Baltic countries; G. Aleksandrov, chairman of the public association Community of Belarusian Chuvash; L. Levin, president of the Union of Belarusian Jewish Public Associations and Communities; and K. Asadulaev, chairman of the international public association of Dagestanis *Ochag*.

24. According to the results of a sociological survey of all ethnic groups carried out in 1997, only 4.5 per cent of those surveyed said that they had experienced discrimination of one kind or another, and only 1.5 per cent reported discrimination on ethnic grounds. It is also important to point out that the slogan "Belarus for the Belarusians" is unacceptable to the vast majority of young people.

25. The State Committee for Religious and Ethnic Affairs of the Republic of Belarus was set up in January 1997. It became the State Committee for Religious and Ethnic Affairs of the Council of Ministers of the Republic of Belarus in November 2000. Corresponding structures (subdepartments) have been established in regional executive committees and the Minsk urban executive committee.

26. The Belarusian authorities regard having preserved stable relations between ethnic groups as one of the most important achievements of the past decade. This has been affirmed on more than one occasion by the President of the Republic of Belarus, Mr. Lukashenko, for example on the occasion of the ceremony marking the opening of the Memorial to the victims of the Minsk ghetto on 10 July 2000.

27. The Belarusian leadership has made the consistent and principled observance of the generally accepted principles and standards of international law, including those relating to the exercise of the rights of ethnic minorities, a reality. For example, Belarus was the only State to report the violation of international standards and the rights of Russian citizens of Chechen nationality arising from the ban on their crossing the border imposed by the Polish authorities in November 2002. This position was publicly stated by President Lukashenko.

28. Thus, Belarusian society has maintained its multi-ethnic character, which corresponds to current trends in the development of any modern society, and the policy of Belarus is directed at the maintenance and strengthening of this situation as a guarantee of social stability. The ethnic policy of Belarus is based on an understanding of the Belarusian nation principally as a fellowship of citizens rather than an ethnic community, and is not directed at increasing the number of areas of social life in which the factor of ethnicity may be significant. Priority in the work of the relevant Belarusian State bodies is accorded to intercultural projects, programmes and measures designed to establish and enhance inter-ethnic dialogue. The Belarusian authorities strive to ensure optimal conditions for the preservation and development of the language and culture of all ethnic groups represented in Belarus.

### **Manifestations of racism, xenophobia and other related forms of intolerance and measures taken at the national level to combat them**

29. As concerns the political, historical, economic, social and cultural factors which may give rise to racism, racial discrimination, xenophobia and intolerance in Belarus, the principal influence on relations between ethnic groups is the country's degree of economic and political stability.

30. Another major factor is the situation in the republics of the former Soviet Union, especially the neighbouring States. The increase in the number of migrants and refugees belonging to ethnic, religious and racial groups that are not typical for Belarus may also, in the long term, give rise to negative manifestations.

31. The most important factor preventing discrimination on ethnic and racial grounds is the prevalence in Belarus of political forces that counteract manifestations of nationalism and xenophobia. In Belarus, unlike in some other republics of the former Soviet Union, aggressive nationalistic movements with extremist tendencies have not succeeded in gaining any major influence among their fellow citizens and they are now on the periphery of political life. At the same time, ethnic and religious monitoring carried out by Belarusian State organs shows that currently the preconditions for the emergence of negative manifestations in these spheres do not exist.

32. There are, however, isolated cases of anti-Semitism. It is important to note that this is not a mass phenomenon or one that puts the health and life of citizens at risk. Occasional anti-Semitic manifestations have been published in certain periodical publications, and there have been incidents of vandalism at cemeteries or offensive graffiti on buildings. These occurrences of intolerance and xenophobia are described in detail in the present report.

### **Social policy in relation to asylum-seekers and refugees**

33. As of 1 May 2002, there were 226 minor children living in families of foreign nationals with refugee status in Belarus. The largest number of refugee children came from Afghanistan (186), followed by Georgia (16), Tajikistan (11), Azerbaijan (3), the Islamic Republic of Iran (3), 1 from Palestine and 1 from Ethiopia.



34. The laws of Belarus grant persons with refugee status and their children all the social and economic rights enjoyed by Belarusian citizens, including the right to education and health care.
35. The main features of Belarusian policy for the integration of refugees are:
- Creating of equal opportunities for refugees, irrespective of their ethnic or cultural origin;
  - Ensuring equal opportunities for men and women;
  - The suppression of xenophobia and racism;
  - Ensuring the painless socialization of refugee children.
36. Migration bodies, together with the Belarus office of the United Nations High Commissioner for Refugees (UNHCR) and local non-governmental organizations (NGOs), are working towards the successful adaptation and integration of refugees, including children. Joint measures taken by migration bodies, NGOs and UNHCR for refugee families with minor children include assistance in the following areas:
- Provision of direct material assistance to refugee children of single parent families;
  - Familiarizing refugee children with the social and cultural norms of Belarusian society through special education programmes organized under the auspices of the UNHCR office in Belarus;
  - Ensuring the psychosocial well-being of refugee children through special adaptation programmes.
37. Annex I contains statistics from the 1999 population census on the most numerous national groups by age, level of education, use of the ethnic group's language, economic activity, gender, employment status and occupation, as well as information on the ethnic composition of the population and the number of foreign nationals permanently resident in Belarus, by country of citizenship.

## **II. DETAILED INFORMATION ON THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLES 2-7 OF THE CONVENTION**

### **Article 2**

38. As one of the founders and full members of the United Nations, the Republic of Belarus recognizes that discrimination on grounds of race, colour or ethnic origin constitutes an encroachment on the dignity of the human person and is to be condemned as a negation of the principles set out in the Charter, a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, an obstacle to the maintenance of friendly and peaceful relations among nations, and a phenomenon capable of disturbing international peace and security.

39. In implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, under which States parties undertake to prohibit racial discrimination by all appropriate means, including legislation, Belarus has established a national legal framework which declares as an offence punishable by law any dissemination of ideas based on racial supremacy or hatred, and any acts of violence or incitement to such acts directed against any race or group of individuals of a different colour, descent or national or ethnic origin.

40. Belarusian national policy is carried out through the realization of rights and freedoms supported by a range of legislative and regulatory instruments. In addition to international agreements and the provisions of the Constitution, there are more than 20 legislative instruments in force in Belarus that regulate this sphere of social life. Authoritative foreign experts have concluded that Belarusian legislation fully meets international standards.

41. Despite the fact that only few citizens are racially different from the mass of the population, these legislative instruments provide an effective machinery for the realization of rights and freedoms relating not only to ethnic, religious and linguistic but also to racial affiliation. Racist motivation is considered an aggravating factor in sentencing. In Belarus, any advocacy of ethnic, racial or religious hatred constituting incitement to discrimination, hostility or violence is forbidden and punishable by law.

42. All fundamental human rights are enshrined in the 1994 Constitution, with the amendments and additions adopted by referendum on 24 November 1996. Under the Constitution, the Republic of Belarus is a unitary democratic socialist State based on the rule of law. The individual, his rights and freedoms, and the guarantees of their realization are the highest value and aim of society and the State. The State is responsible to citizens for creating conditions for the free and dignified development of their identity.

43. Democracy in Belarus is exercised on the basis of a diversity of political institutions, ideologies and views. Political parties and other public associations, acting within the Constitution and laws of the Republic of Belarus, contribute to the identification and expression of the political will of citizens and participate in elections.

44. The principle of supremacy of the law is established in Belarus. The State and all its bodies and officials operate within the limits of the Constitution and the laws adopted in accordance with it. The Republic of Belarus recognizes the supremacy of universally acknowledged principles of international law and ensures that its laws comply with them. State power in Belarus is exercised on the basis of its division into legislative, executive, and judicial power. Under the Constitution of the Republic of Belarus:

- The State shall guarantee the rights and liberties of the citizens of Belarus, as enshrined in the Constitution and laws and specified in the State's international obligations (art. 21, para. 3);
- The principle of the equality of all before the law is laid down, and everyone has the right, without any discrimination, to equal protection of his or her rights and legitimate interests (art. 22).

45. Foreign nationals and stateless persons in Belarus enjoy the same rights and freedoms and fulfil the same obligations as citizens of the Republic of Belarus unless otherwise specified in the Constitution and other legislative instruments. The rights and freedoms of foreign nationals and stateless persons may be restricted only in cases where this is necessary to protect the rights and fundamental freedoms of the citizens of the Republic of Belarus, to ensure State security or to protect public order and the health of the population.

46. Foreign nationals and stateless persons in Belarus are equal before the law irrespective of their origin, social and property status, racial and ethnic affiliation, gender, education, language, attitude to religion, type or nature of their occupations or other circumstances (Law on Legal Situation of Foreign Nationals and Stateless Persons in the Republic of Belarus, art. 3).

47. The provisions of article 23, paragraph 1, of the Constitution permit the restriction of rights and freedoms only in cases specified by law, in the interest of national security, public order, or the protection of the morals and health of the population and the rights and freedoms of other persons.

48. The fundamental principles governing citizenship of Belarus are set out in the Constitution: “A citizen of the Republic of Belarus shall be guaranteed the protection and patronage of the State, both in the territory of Belarus and beyond. No one may be deprived of citizenship of the Republic of Belarus or the right to change his citizenship. A citizen of the Republic of Belarus may not be extradited to a foreign State, unless otherwise stipulated in international agreements to which the Republic of Belarus is party. Citizenship shall be acquired or lost in accordance with the law” (art. 10).

49. The Constitution stipulates that the Republic of Belarus may grant the right of asylum to persons persecuted in other States for their political or religious beliefs or ethnic affiliation (art. 12).

50. In accordance with the Constitution, everyone has the right to determine independently his attitude to religion, to profess any religion, individually or together with others or to profess none at all, to express and disseminate beliefs related to his attitude to religion, and to take part in acts of worship and rituals and rites not prohibited by law; everyone has the right to preserve his ethnic affiliation, and equally, no one may be compelled to define or indicate his ethnic affiliation; insults to ethnic dignity are prosecuted in accordance with the law; everyone has the right to use his native language and to choose the language of communication; in accordance with the law, the State guarantees the freedom to choose the language of education and instruction; the ideology of religious or other public associations may not be made obligatory for citizens; the State regulates relations between social, ethnic and other communities on the basis of the principles of equality before the law and respect for their rights and interests; religions and faiths are equal before the law; the mutual relations between the State and religious organizations are regulated by law, taking into account their effect on the formation of the spiritual, cultural and national traditions of the Belarusian people; the establishment and activities of political parties and other public associations who aim at or conduct propaganda for war or social, ethnic, religious or racial hostility are prohibited; activities of religious organizations, their organs and representatives that are directed against the sovereignty of the Republic of Belarus, its

constitutional structure and civic harmony, or are associated with violation of citizens' rights and freedoms and hamper the discharge of their national, community or family duties or harm their health and morality, are forbidden; the State is responsible for conserving the historical, cultural and spiritual heritage of all ethnic communities living in Belarus and the free development of their culture; Belarus may grant the right of asylum to persons persecuted in other countries for their religious beliefs or ethnic origin.

51. Belarusian law provides for the equality of persons belonging to ethnic minorities, irrespective of the length of time they have been in the country. For instance, the rights of representatives of the Belarusian, Russian, Polish, Tatar or other peoples who have been living in Belarus for many centuries are no different from those of the migrants of recent years.

52. The provisions of the Constitution referred to above are spelt out in detailed form in the provisions of a number of laws and other regulatory instruments governing these areas of social life.

53. The bases of civic harmony in Belarusian society are laid down in the Citizenship Act. Under this law, citizenship was granted without any discriminatory constraints to all those who were permanently residing in Belarus at the time of its adoption in 1991. The implementation of this law and the policy followed by the Belarusian authorities, which is based on the constitutional principles enumerated above, has made it possible to avoid the ethnic and religious conflicts that are characteristic of countries with societies in transition.

54. The Freedom of Conscience and Religious Organizations Act stipulates that any kind of direct or indirect restriction of rights or the establishment of any advantages for citizens on grounds of their attitude to religion is punishable by law.

55. Under article 3 of the Act on National Minorities, any direct or indirect restriction of rights and the establishment of any privileges for citizens on grounds of their affiliation to an ethnic minority are prohibited. Article 12 states that citizens of the Republic of Belarus, irrespective of their nationality, enjoy the equal protection of the State and any action aimed at discrimination on grounds of ethnicity, creation of obstacles to the enjoyment by ethnic minorities of their rights or incitement to hostility between ethnic groups shall be prosecuted by law.

56. Article 5 of the Press and Other Mass Media Act contains a provision prohibiting the use of mass media to incite ethnic, racial or religious intolerance or discord. The activities of an organ of the mass media may be restricted if it violates this provision. In addition, the Act prohibits the import, export or dissemination in Belarus of press and audio-visual material or other information whose contents do not meet the requirements of the Act.

57. Article 5, paragraph 3, of the Constitution states: "The creation and activities of political parties and other public associations that aim at changing the constitutional system by force, or conduct propaganda for war or ethnic, religious, or racial hatred, shall be prohibited."

58. Article 50 of the Constitution stipulates: “Everyone shall have the right to preserve his ethnic affiliation, and equally, no one may be compelled to define or indicate his ethnic affiliation. Insults to ethnic dignity shall be prosecuted under the law. Everyone shall have the right to use his native language and to choose the language of communication. In accordance with the law, the State shall guarantee the freedom to choose the language of upbringing and education.”

59. Under article 16 of the Constitution, all religions and faiths are equal before the law. Relations between the State and religious organizations are governed by the law, taking into account their influence on shaping the spiritual, cultural and national traditions of the Belarusian people.

60. This article also prohibits the activities of religious organizations and their bodies and representatives that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony, or involve a violation of civil rights and liberties, and hamper citizens’ fulfilment of their State, public or family obligations or damage their health or morality.

61. Besides the Constitution, the principle of equality is also enshrined in other legislative instruments, such as the Marriage and Family Code, the Labour Code, the Criminal Code, the Civil Code, the Employment Act and others. For example, under article 14 of the Labour Code, which entered into force on 21 January 2000, “discrimination, that is, the restriction of employment rights or the acquisition of any privileges on grounds of gender, race, ethnic origin, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or professional status, or physical or mental disabilities that do not prevent the discharge of employment functions, shall be prohibited”.

62. In article 71 of the Belarusian Criminal Code approved by the Act of 29 December 1960, entitled “Violation of ethnic or racial equality and of citizens’ equality of rights as a result of their attitude to religion”, deliberate acts designed to incite ethnic, racial or religious hostility or discord, to degrade national honour and dignity, or equally directly or indirectly to limit the rights of, or establish direct or indirect privileges for, citizens on grounds of their racial or national affiliation or attitude to religion, were declared criminal.

63. Criminal liability for the violation of citizens’ equality of rights was also established in the 1999 Criminal Code, article 190 of which stipulates that “the deliberate direct or indirect violation or restriction of citizens’ rights and freedoms, or the establishment of direct or indirect privileges, on grounds of gender, ethnic affiliation, nationality, language, origin, property or official status, place of residence, attitude to religion, beliefs, or membership of public associations, that substantially harm the rights, freedoms and lawful interests of citizens shall be punishable by a fine, or corrective labour for a period of up to two years, or restriction of liberty for the same period, or deprivation of liberty for a period of up to two years with or without deprivation of the right to occupy particular positions or engage in particular activities”. Abuse of power, ultra vires acts or failure to carry out one’s duties for reasons of racial or ethnic hostility or discord are punishable under article 445, paragraph 1, of the Criminal Code.

**Information on the specific and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of granting them full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2, of the Convention**

64. No difference, exclusion, restriction or preference based on attributes of race, colour or country, national or ethnic origin, aiming at or resulting from the violation or lessening of the recognition, enjoyment or realization on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other fields of public life (racial discrimination) is permitted in the Republic of Belarus.

65. In accordance with the Education Act, State educational policy is based on principles of the supremacy of universal values, human rights, the humanistic nature of education, accessibility of pre-school and vocational and technical education, and, on a competitive basis, of secondary special and higher education, and the successive and uninterrupted nature of educational levels and stages (art. 1). Under article 3 of the Act on the Right to Education, every citizen of the Republic of Belarus has the right to receive education, and restrictions on this right may be established only by law. Citizens are guaranteed the right to receive free general secondary and vocational and technical education and, on a competitive basis, secondary special and higher education at educational establishments. Foreign nationals and stateless persons permanently resident in Belarus enjoy equal rights to education, unless otherwise specified by the laws and international agreements of the Republic of Belarus. The right to study, and teaching procedures for certain foreign nationals are laid down by Belarusian legislative acts.

66. Under article 5 of the Law on Languages of Education and Training, Belarusian and Russian are the main languages of education and training in Belarusian educational establishments. The State guarantees citizens the right to choose their language of education and training and creates the appropriate conditions for the enjoyment of this right. The study of Belarusian, Russian and one other foreign language is compulsory in schools offering general education, except for certain categories of citizens with special psychological or physical development needs. Subject to declarations made by the legal representatives of children and decisions taken by local executive and administrative bodies, groups may be created in pre-school establishments and classes set up in general education schools, in which education and training are offered entirely or in part in the language of an ethnic group. By decision of local executive and administrative bodies, approved by the Ministry of Education, children's pre-school establishments or general education schools may be established in which education and training take place in the language of an ethnic group.

**Article 3**

67. The Republic of Belarus has always consistently condemned the racial segregation and apartheid practised previously in some countries.

68. Belarus is a party to the following agreements:

- Convention on the Prevention and Punishment of the Crime of Genocide;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
- International Covenant on Civil and Political Rights;
- Optional Protocol to the International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on the Suppression and Punishment of the Crime of Apartheid;
- Convention on the Elimination of All Forms of Discrimination against Women;
- International Convention against Apartheid in Sport;
- Convention on the Rights of the Child;
- Convention and Protocol relating to the Status of Refugees.

69. As laid down in the Constitution, “The State shall regulate relations among social, ethnic, and other communities on the basis of the principles of equality before the law and respect for their rights and interests” (art. 14).

70. Article 50 of the Constitution states that “Everyone shall have the right to preserve his ethnic affiliation and, equally, no one may be compelled to define or indicate his ethnic affiliation. Insults to ethnic dignity shall be prosecuted by law. Everyone shall have the right to use his native language and to choose the language of communication. In accordance with the law, the State shall guarantee the freedom to choose the language of education and training.”

71. At the same time, “Everyone shall respect the dignity, rights, freedoms and legitimate interests of others” (art. 53). In addition, “The State shall take all measures at its disposal to create the domestic and international order necessary for the exercise in full of the rights and freedoms of the citizens of the Republic of Belarus that are specified in the Constitution” (art. 59, para. 1). “State bodies and official and other persons entrusted with the discharge of State functions shall, within the limits of their competence, take measures necessary for the exercise and protection of personal rights and freedoms. These bodies and persons shall be held liable for actions that violate personal rights and freedoms” (art. 59, paras. 2-3).

72. Under article 12 of the Constitution, “The Republic of Belarus may grant the right of asylum to persons persecuted in other States for their political or religious beliefs or ethnic affiliation.” In addition, the Act on the Introduction of Amendments and Additions to Certain Legislative Acts of the Republic of Belarus in Connection with its Adherence to the Convention

relating to the Status of Refugees and the Protocol relating to the Status of Refugees (revised version) was adopted following the adherence of Belarus to those instruments, in order to bring Belarusian legislation into line with them.

73. The above-mentioned Act is structured more clearly, deletes certain provisions not applied in practice and clarifies the powers of State bodies in matters relating to refugee problems. It takes into account the suggestions of the UNHCR office in Belarus concerning the strengthening of the fundamental principles set out in a number of international agreements on refugee problems.

74. Under article 5 of the Act on Languages of education and training, Belarusian and Russian are the basic languages of education and training in Belarusian educational establishments. The State guarantees citizens the right to choose their language of education and training and creates the appropriate conditions for the exercise of this right. The study of Belarusian, Russian and one other foreign language is compulsory in general education schools, except for certain categories of citizens with special psychological or physical development needs. In accordance with declarations by the legal representatives of children, and by decision of local executive and administrative bodies, groups may be established in pre-school establishments and classes set up in general education schools in which education and training take place entirely or in part in the language of a national group. By decision of local executive and administrative bodies, approved by the Ministry of Education, children's pre-school establishments or general education schools may be established in which education and training take place in the language of an ethnic group.

75. In accordance with the obligations of the Republic of Belarus to prohibit any practice of racial segregation and apartheid in the territories under its jurisdiction, these crimes are prosecuted by law in Belarus.

76. For example, article 127 of the 1999 Criminal Code provides for liability for acts carried out with the aim of the deliberate complete or partial destruction of any racial, national, ethnic or religious group or group defined on the basis of any other criterion whatsoever, either by killing members of that group or inflicting grievous bodily harm on them, or intentionally creating living conditions calculated to achieve the complete or partial destruction of that group, or violently transferring children from one ethnic group to another, or adopting measures to prevent childbirth within that group (genocide).

77. Liability is laid down in article 128 of the Criminal Code for deportation, unlawful detention, delivering into slavery, mass or systematic punishment without a court hearing, kidnapping leading to the victim's disappearance, torture or acts of violence committed on grounds of racial, national, or ethnic affiliation or the political beliefs or religious faith of the civil population (crimes against the security of the person). Other provisions are also contained in article 71 of the Criminal Code approved by the Act of 29 December 1960, and in articles 190 and 445, paragraph 1, of the 1999 Criminal Code (see paragraphs 62 and 63 above).



#### Article 4

78. In implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, under which States parties undertake to prohibit racial discrimination by all appropriate means, including legislation, Belarus has established a national legal framework which declares as an offence punishable by law any dissemination of ideas based on racial supremacy or hatred, any incitement to such acts directed against any race or group of individuals of a different colour, descent or national or ethnic origin.

79. Article 5, paragraph 3, of the Constitution states: “The creation and activities of political parties and other public associations that aim at changing the constitutional system by force, or conduct propaganda for war or ethnic, religious, or racial hostility, shall be prohibited.”

80. Article 16 prohibits “activities of religious organizations, their bodies and representatives, that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony, or involve a violation of civil rights and liberties”, and under article 50, “no one may be compelled to define or indicate his ethnic affiliation. Insults to ethnic dignity shall be prosecuted under the law”.

81. Article 6 of the Political Parties Act prohibits “the creation and activities of political parties and other public associations whose aim is to change the constitutional system by force, or conduct propaganda for war or ethnic, religious, or racial hostility”.

82. Article 3 of the Public Associations Act forbids “the creation of public associations whose activities are aimed at arousing ethnic, religious or racial hatred”.

83. Under article 3 of the Act on National Minorities, “any direct or indirect restriction of the rights and freedoms of citizens of the Republic of Belarus on grounds of their affiliation to an ethnic minority or attempts to assimilate them against their will” are prohibited in Belarus. Article 11 prohibits “the activities of national partnerships (associations), if they restrict human rights or conduct propaganda for ethnic, religious or racial hostility”, and article 12 stipulates that “any activities aimed at discrimination on grounds of ethnic attributes, establishment of obstacles to ethnic minorities’ enjoyment of their human rights or incitement to ethnic hostility shall be prosecuted in accordance with the law”.

84. Article 5 of the Press and Other Mass Media Act prohibits “the use of mass media to incite ethnic, racial or religious intolerance or discord”. The holding of assemblies, meetings, marches, demonstrations and picketing is prohibited in Belarus if their aim is propaganda for war or ethnic, religious or racial hostility (article 11 of the Assemblies, Meetings, Marches, Demonstrations and Picketing Act).

85. Article 39 of the Freedom of Conscience and Religious Organizations Act stipulates that any violation of the laws of the Republic of Belarus relating to freedom of conscience, religion and religious organizations, in particular, the creation and activities of religious organizations and their bodies and representatives directed against civic harmony or involving the violation of human rights and freedoms, the defilement of venerated objects, religious equipment and places

of pilgrimage and burial, and the incitement to religious hostility or discord or insulting citizens on grounds of their religious beliefs, is punishable under the law. A religious organization may be dissolved if it carries out activities directed against civic harmony, conducts propaganda for war or ethnic, religious or racial hostility or discord, or degrades the honour and dignity of citizens (art. 23).

86. The Criminal Code of the Republic of Belarus, which entered into force on 1 January 2001, devotes substantial attention to the prohibition of all forms of discrimination and combating xenophobia and intolerance. For instance, article 64, paragraph 1, provides that “the commission of an offence for reasons of racial, ethnic or religious hostility or discord” is one of the circumstances that increase a penalty. Moreover, the commission of an offence “because of ethnic, racial or religious hatred or hostility” is a circumstance that justifies the imposition of a more severe sentence under articles 139 (Murder), 147 (Deliberately inflicting grievous bodily harm) and 443 (Violation of the statutory rules of mutual relations between servicemen where there is no relation of subordination) of the Code. Chapter 23 of the Code, entitled “Offences against the constitutional rights of citizens” contains similar provisions in article 190 as does article 71 of the 1960 Code (see paragraphs 62 and 63 above).

87. In addition, article 127 (Genocide) stipulates that “acts carried out with the aim of the deliberate complete or partial destruction of any racial, national, ethnic or religious group or group defined on the basis of any other voluntary criterion whatsoever, by means of killing members of that group or inflicting grievous bodily harm on them, or intentionally creating living conditions calculated to achieve the complete or partial physical destruction of that group, or violently transferring children from one ethnic group to another, or adopting measures to prevent childbirth within that group (genocide)” are punishable by deprivation of liberty for a period of from 10 to 25 years, or life imprisonment or death. Under article 128, deportation, unlawful detention, delivering into slavery, mass or systematic punishment without a court hearing, kidnapping leading to the victim’s disappearance, torture or acts of violence committed on grounds of racial, national, or ethnic affiliation or the political beliefs or religious faith of the civil population are punishable by deprivation of liberty for a period of from 7 to 25 years, or life imprisonment or death.

88. Article 130 of the Criminal Code (Incitement to racial, ethnic or racial hostility or discord), states:

1. Deliberate acts aimed at inciting racial, ethnic or religious hostility or discord, and degradation of national honour and dignity, shall be punishable by a fine, confinement for up to six months, or restriction of freedom for up to five years, or deprivation of liberty for the same period.
2. Those acts combined with violence or when carried out by officials using their official powers, shall be punishable by deprivation of liberty for a period of from 3 to 10 years.
3. The acts referred to in paragraphs 1 and 2 of this article, if carried out by a group of individuals or involving the death of a person or other serious consequences through carelessness, shall be punishable by deprivation of liberty for a period of from 5 to 12 years.

89. Abuse of power, ultra vires acts or non-use of power, when carried out for reasons of racial or ethnic hostility or discord, are punishable in accordance with article 445, paragraph 1, of the Criminal Code.

90. Furthermore, under article 172-2 of the Administrative Offences Code, entitled “Violation of language laws”, administrative liability is established for minor infringements relating to the “public denigration of the State language and other national languages used by the population of the Republic of Belarus and the creation of obstacles to and restrictions on their use”.

91. Besides criminal and administrative legislation, standards intended to protect individuals from manifestations of any kind of discrimination are also included in several other laws. In particular, the Labour Code, which entered into force on 1 January 2000, includes provisions aimed at eradicating discrimination in labour relations (art. 14). This article reads: “Discrimination, that is, restriction of employment rights or the acquisition of any privileges on grounds of gender, race, ethnic origin, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or professional status, or physical or mental disabilities that do not prevent the discharge of employment functions, shall be prohibited. Discriminatory conditions in collective contracts and agreements shall be null and void.”

92. The Physical Culture and Sports Act prohibits discrimination on grounds of gender, nationality, race or religion. All citizens have equal rights to engage in physical culture and sport, to create athletic associations and sports clubs, to engage in professional sports and in commercial and entrepreneurial activities providing services to athletic and sports organizations and individuals, and to produce goods advertising related to physical activities and sports.

93. In accordance with resolution No. 997 of the Council of Ministers of 29 July 1997 on the prohibition, restriction and ending of cultural promotions, local executive and administrative bodies (municipal authorities) have the authority and responsibility to “prohibit, restrict and end any cultural promotion, exhibition or publication relating to the holding of an artistic or other cultural event, intended for public showing or dissemination, or other cultural measures, if they are associated with propaganda for war, violence, brutality, national or religious hostility or pornography”.

94. A few cases of manifestations of xenophobia and intolerance occurred in Belarus during the reporting period, which elicited the appropriate reaction from the relevant State bodies. In particular, isolated cases of anti-Semitism were recorded. It is important to note that this is not a mass phenomenon or one that puts citizens’ health and life at risk. Individual anti-Semitic manifestations have been published in certain periodical publications, and there have been incidents of vandalism at cemeteries or offensive graffiti on buildings and installations.

95. In 1998-1999, the newspaper *Slavyanskaya Gazeta*, which was registered in Belarus but published in the Russian Federation, published articles containing incitement to ethnic and religious discord and hostility and insulting the religious feelings of believers. In accordance

with article 5 of the Press and Other Mass Media Act and upon the initiative of the Committee on Religious and Ethnic Affairs, the newspaper was twice given written warnings by the State Press Committee for violation of the laws of the Republic of Belarus prohibiting incitement to ethnic and religious discord and hostility. In 1999, as a result of repeated acts of this kind, *Slavayanska Gazeta*, in due process of law, was banned in Belarus and ceased to exist.

96. In the spring of 1999, upon the initiative of the Committee on Religious and Ethnic Affairs, the newspaper *Lichnost* was given a written warning by the State Press Committee for publishing remarks insulting the religious feelings of believers. The newspaper *Naviny* was also given a written warning in 1999 for publishing remarks provoking hostility in Belarus.

97. In 2000, the publishers of the newspapers *Nasha Niva* (for publishing anti-Russian material) and *Belorusskaya Delovaya Gazeta* (twice, for publishing anti-Semitic and anti-Polish material) were warned by the State Press Committee upon the initiative of the Committee on Religious and Ethnic Affairs for displaying material on their pages containing statements provoking hostility in Belarus.

98. In the period 1998-2002, incidents of profanation were recorded at cemeteries in Borisov, Rechitsa, Petrikov, Gomel, Berezino, Minsk and Vitebsk containing Jewish graves. However, not only Jewish cemeteries, but also other cemeteries where citizens of various nationalities and faiths are buried suffered from vandalism. This phenomenon is evidence not so much of anti-Semitism as of shortcomings in the education of young people.

99. In the view of the Committee on Religious and Ethnic Affairs and of the Ministry of Internal Affairs, as is shown by the actual criminal prosecutions, there are no grounds to suppose that such acts are exclusively anti-Semitic. For instance, from 21 June to 14 July 2002, 32 gravestones, of which only 8 were on Jewish graves, were desecrated and partially damaged at the Northern Cemetery in the Minsk region. There were four acts of vandalism at Orthodox cemeteries in Brest, Pinsk, Baranovich and Ivatsevichi in 2000, but none against tombs in the Jewish cemeteries in those cities.

100. At the same time, following the profanation of graves in the Jewish cemetery at Borisov that occurred on 7 July 2002, a criminal case has been brought against three pupils of the Borisov Secondary School No. 3 for offences under article 347 of the Belarusian Criminal Code (profanation of graves). Similar criminal cases have been brought for profanation at the Northern Cemetery in the Minsk region, the Staro-Ulanovich cemetery at Vitebsk and other cemeteries.

101. A memorial to victims of the ghetto at the Khinovsk plot of land in the Stolin district (Brest region) was destroyed in early 1998. It was restored using funds provided by the Stolin district executive committee and the State Committee on Religious and Ethnic Affairs. In August 1998, a memorial marking the place where prisoners of the Brest ghetto were shot in 1942 was desecrated by the inscription of fascist symbols. The perpetrator, a 15-year old youth, was found and sentenced to an administrative penalty. The memorial was again desecrated in May 1999. The group of youths that committed the offence were arrested and sentenced to an administrative penalty.

102. In the period since the preparation of the last periodic report, and up to 10 March 2003, the law enforcement agencies of the Republic of Belarus investigated and sent to court two criminal cases under article 130 of the Criminal Code (incitement to racial, ethnic or religious hostility or discord). In 2000, one person was convicted under article 71, paragraph 1, of the 1960 Criminal Code and was given a suspended prison sentence.

103. On 11 March 2002, the investigation department of the Committee for State Security of the Republic of Belarus brought a criminal action in relation to attacks against refugees from Asian and African countries studying at the Vitebsk State Medical University. It was established during the investigation that a group of skinheads, with a membership of up to 30 young people aged from 16 to 21, had been formed in Vitebsk during the summer of 2001. By word of mouth, members of the group spread ideas of non-respect for “non-Slavic” peoples and hostility to their way of life, asserting that those people debased the genetic stock of the “Slavic” people, spread drugs and venereal diseases and were the source of the threat of terrorist acts and, consequently, people from “non-Slavic” nations had to be driven out of Belarus. Some of the most radical members of this group expressed ideas of physically eliminating such individuals.

104. The group of skinheads were also responsible for the beatings of foreign students of Indian, Nepalese and Lebanese origin at the Vitebsk State Medical University. Property was openly stolen from the victims during the attacks. Because the individuals concerned acted in an unorganized way and had no leader, only the most active members of the group, for whose criminal activities a conviction was considered possible, were indicted. S.S. Aksenov, Y.N. Bachurko, S.V. Kamenkov and V.G. Fedorov, were charged under the Criminal Code, article 130, paragraph 3 (incitement to racial, ethnic or religious hostility or discord) and article 207, paragraph 2 (robbery with violence). They were found guilty of the above offences by the judicial criminal division of the Vitebsk regional court on 12 December 2002 and were sentenced to various terms of imprisonment. On 21 February 2003, the Supreme Court of the Republic of Belarus upheld this sentence.

105. The other members of the group were officially warned that their actions were unacceptable and could lead to offences punishable under article 130 of the Criminal Code. The group has now broken up and the circumstances of the illegal acts aimed at damaging the honour and dignity of citizens have not been kept on record.

106. On 16 November, the Procurator’s Office of the Gomel region brought charges against E.N. Ryakhov under article 130, paragraph 1, of the Criminal Code for having committed acts aimed at damaging the national honour and dignity of O.Y. Shapiro by sending letters to the judicial administration of the Gomel regional executive committee asserting: “O.Y. Shapiro, the acting President of the Central District Court, who is an individual of criminal ethnic origin ...”. This case has currently been halted because Mr. Ryakhin’s whereabouts have not been established.

107. The Procurator’s Office of the Svisloch district, Grodno region, lodged an appeal on 15 November 2001 with the President of the Svisloch District Executive Committee against an order by the head of administration for the rural economy and food production of the district executive committee dated 31 July 2002 and entitled “On the employment of Roma”, which

stated that the Roma could be employed by the heads of agricultural enterprises only with the consent of the Svisloch district department of internal affairs. The order wrongly restricts the rights of citizens on grounds of ethnic origin, thereby breaching the norms of the Constitution and Labour Code. The appeal was considered and upheld and the order rescinded. No other violations of Belarusian legislation in this area have been recorded.

108. In December 2000, the Interparliamentary Assembly of States members of CIS adopted a resolution on the United Nations Educational, Scientific and Cultural Organization Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War.

109. In the National Security Concept of the Republic of Belarus, approved by Presidential Decree No. 390 of 17 July 2001 entitled "Approval of the National Security Concept of the Republic of Belarus", one of the priority means of ensuring security in the political field is the decisive suppression of any forms of political extremism. Work is continuing on a draft law aimed at preventing and counteracting all forms of extremism. In particular, in accordance with Presidential Decree No. 8 of 8 January 2003 approving the plan for the preparation of draft laws for 2003, it is planned to adopt a law on the counteracting of extremism in 2003.

#### **Article 5**

110. It should be noted with regard to the implementation in Belarus of the provisions of article 5 that a number of normative legal instruments directly regulating specific social relations have been adopted in addition to the enshrinement in the Constitution of the fundamental principles and standards for the legal regulation of relations concerning the norms of the Convention, in particular concerning questions of citizenship (article 10 of the Constitution), the granting of refugee status (art. 12), the development of the cultures of all communities living in Belarus (art. 15), the rights of citizens to free movement and to choose their place of residence within the borders of Belarus, to leave it and to return without hindrance (art. 30), the right voluntarily to marry and found a family (art. 32), etc. These instruments include:

- The Labour Code;
- The Marriage and Family Code;
- The Criminal Code;
- The Electoral Code;
- The Civil Code;
- The Housing Code;
- The Trade Unions Act;
- The Public Associations Act;

- The Procedure for Citizens of the Republic of Belarus to Leave and to Enter the Republic of Belarus Act;
- The Employment Act;
- The Public Health Act;
- The National Minorities Act, etc.

111. The Constitution and legislation of Belarus recognize the existence of ethnic communities as an integral part of the Belarusian people. Under article 14 of the Constitution, the State regulates relations among social, ethnic, and other communities on the basis of the principles of equality before the law and respect for their rights and interests.

112. Article 15 of the Constitution stipulates that the State shall be responsible for preserving the historical and cultural heritage, and the free development of the cultures of all ethnic communities living in the Republic of Belarus.

113. The preamble to the National Minorities Act states that it is based on the Constitution, the Declaration of the Supreme Council on the State sovereignty of the Republic of Belarus and the principles of international law in the sphere of human rights and national minorities, that it establishes a legal basis in the sphere of inter-ethnic relations, guarantees the free development of national minorities in Belarus and is intended to promote the harmonization of inter-ethnic relations in Belarus, the preservation and development of the cultures of minorities and the fulfilment of their legitimate rights and interests.

114. Citizens belonging to national minorities have a set of specific rights that they enjoy in accordance with the provisions of the Constitution and a number of Belarusian laws. These provisions upholding those rights also clearly designate the mechanisms for their realization, including various ways in which citizens belonging to ethnic minorities can participate in the adoption of decisions that concern their legal rights and interests.

115. The following may be singled out among the basic citizens' rights relating to national minorities and their incorporation into legislation. Articles 14, 15, 22, 23, 36 and 50 of the Constitution stipulate that the State shall regulate relations among social, ethnic and other communities on the basis of the principles of equality before the law and respect for their rights and interests; the State shall be responsible for preserving the historical and cultural heritage and the free development of the cultures of all ethnic communities living in the Republic of Belarus; all are equal before the law and everyone has the right, without any discrimination, to equal protection of his or her rights and legitimate interests; no one may enjoy advantages and privileges that are contrary to the law; everyone shall be entitled to freedom of association; everyone shall have the right to preserve his ethnic affiliation, and equally, no one may be compelled to define or indicate his ethnic affiliation; insults to ethnic dignity shall be prosecuted under the law; everyone shall have the right to use his or her native language and to choose the language of communication; in accordance with the law, the State shall guarantee the freedom to choose the language of education and training.

116. Under the National Minorities Act, a citizen's affiliation to an ethnic minority is a matter of his own personal free choice from which no unfavourable consequences may arise. No direct or indirect restriction whatsoever of citizens' rights and freedoms on grounds of their affiliation to an ethnic minority or attempts to assimilate them against their will shall be permitted. Under no circumstances may anyone demand that a citizen indicate his ethnic affiliation, either orally or in writing. No one has the right to compel a citizen to prove or deny his ethnic affiliation.

117. Under article 5 of the same Act, citizens regarding themselves as being affiliated to ethnic minorities are guaranteed equal political, economic and social rights and freedoms. In addition, Belarusian legislation provides for the equality of rights of such citizens, irrespective of their length of residence. In this connection, the rights of representatives of the Belarusian, Russian, Polish, Tatar and other peoples that have been living in Belarus for the past several centuries are no different from the rights of representatives of the peoples that have immigrated in recent years.

118. The Coordinating Council for Ethnic Community Affairs was set up under the Council of Ministers of the Republic of Belarus in 1998 to promote the realization of the rights of Belarusian citizens of various ethnic groups, the coordination of the work of State-run bodies in the creation of conditions for and provision of assistance to the educational activities of ethnic community associations in Belarus, and the establishment and organization of work by community groups to prepare recommendations for the practical implementation of State policies for ethnic minorities. The membership of the Council consists of leaders of ethnic and cultural associations and representatives of Ministries and other State bodies whose work concerns citizens' rights and the interests of citizens belonging to ethnic minorities. The Council is a special advisory body that promotes the implementation of State policies in various spheres in the life and activities of Belarusian society and the mutual harmonization of the specific interests of representatives of ethnic minorities and the State.

119. In view of the particular ethnic composition of the Grodno region, the Grodno regional executive committee plans to set up an advisory council with similar functions.

120. Article 6 of the National Minorities Act provides that advisory bodies consisting of representatives of ethnic minorities may be established within councils of deputies and operate at the community level. The procedure for setting up these bodies is determined by the concerned councils of deputies. A council of this kind was established in 2000 in the Ostrovets district executive committee in the Grodno region.

**(a) The right to equal treatment before the tribunals and all other organs administering justice**

121. In the event of a violation of constitutional rights, article 61 of the Constitution guarantees everyone protection of his rights and liberties by a competent, independent and impartial court of law within time periods specified by the law. These provisions are developed in other normative legal instruments.

122. Under article 40 of the Constitution, everyone has the right to address personal or collective appeals to State bodies. State bodies and officials must consider any appeal and respond to its substance within the period specified by law.



123. A number of specific rights of members of ethnic minorities are realized in this way, in accordance with Belarusian legislation.

124. Judicial protection of the rights of minors in Belarus is provided by general courts. Under the Blueprint for Legal and Judicial Reform in Belarus, it is planned to set up special courts for minors and family courts. In order to improve protection of the interests of children who have come into conflict with the law, it is planned to make the participation of a teacher (psychologist) legally compulsory in criminal cases concerning children (Council of Ministers resolution No. 1533 of 24 October 2001 on approval of the Order concerning the procedure for securing the participation of a teacher (psychologist) in a criminal case).

125. Regret was expressed in paragraph 14 of the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the fourteenth periodic report that it had not been made clear whether Belarusian legislation provided for the right to seek just and adequate reparation or satisfaction from the courts for any damage. It should be noted, in this connection, that the right to reparation for material damage is provided for in the criminal procedure legislation of 1960 and 1999. Besides the provision in the Constitution that to defend their rights, freedoms, honour and dignity, citizens shall be entitled to seek through the courts financial compensation for both property damage and for moral injury, the Code of Criminal Procedure (art. 148) directly upholds the right of citizens to seek compensation for material and moral damage.

**(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution**

126. The absence of any law enforcement practice through investigation by the Procurator's Office in accordance with the above-mentioned norms of the Criminal Code and the Code of Criminal Procedure stems not from people's insufficient knowledge of them or any failure of the competent bodies to ensure compliance with the laws, but from the virtually complete absence of such violations. Thus, from the time of the preparation of the previous periodic report to 10 March 2003, the Belarusian law enforcement authorities investigated and sent for trial two criminal cases under article 130 of the Criminal Code (incitement to racial, ethnic or religious hostility or discord) (see paragraphs 102-105 above).

**(c) Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service**

127. Under Belarusian legislation, ethnic affiliation may not affect the enjoyment of the rights referred to in article 5, paragraph (c), of the Convention, since no one may be compelled to disclose his ethnic affiliation. The ethnic affiliation of a citizen of Belarus is not specified in any direct or indirect way in any documents.

128. The following rights of persons belonging to ethnic minorities are specifically mentioned in article 6 of the Act on National Minorities.

*The right to be elected to State executive bodies in Belarus on the basis of universal, equal and direct elections*

129. Under Belarusian legislation, ethnic affiliation may not affect the enjoyment of this right, since no one may be compelled to disclose his ethnic affiliation. Monitoring of the ethnic and religious situation in the country shows that only a quarter of citizens consider that the ethnic affiliation and religion of a politician or candidate for election as a deputy has any significance.

*The right to occupy any position in State executive and administrative bodies*

130. In accordance with their capabilities and professional training, citizens of the Republic of Belarus have the right of equal access to any position in State bodies (article 39 of the Constitution). Under article 7 of the Fundamentals of Civil Service Act, citizens have the right to be civil servants irrespective of their social or property status, racial or ethnic affiliation, gender, attitude to religion or political beliefs.

131. The ethnic affiliation of a citizen of Belarus is not specified in any direct or indirect way in any documents and thus cannot be taken into account in the consideration of the qualifications of persons applying for any position in the State executive and administrative bodies. Because the ethnic affiliation of civil servants is not specified, there are no statistics on this matter. Citizens belonging to ethnic minorities can participate in the adoption of decisions that concern their rights and interests.

*Participation in the political process*

132. Article 37 of the Constitution stipulates that citizens of the Republic of Belarus have the right to participate in the resolution of State matters, both directly and through freely elected representatives. The direct participation of citizens in the administration of social and State affairs is ensured by the holding of referendums, the discussion of draft laws and issues of national and local significance, and by other means specified by law. Through procedures laid down by law, citizens of the Republic of Belarus participate in the discussion of issues of social and State life in national and local meetings.

133. Article 38 of the Constitution provides that citizens of the Republic of Belarus shall have the right to vote freely and to be elected to State bodies on the basis of universal, equal, and direct suffrage by secret ballot. Thus, persons belonging to ethnic minorities are able to take part in the political process through passive and active participation in elections, referendums, etc. Another possibility is the creation and activity of political parties. Under article 5 of the Constitution, political parties and other public associations acting within the framework of the Constitution and laws contribute to ascertaining and expressing the political will of citizens, and participate in elections.

134. At the same time, it should be pointed out that no political parties based on the principle of ethnicity or having exclusively ethnic aims and purposes are currently registered in Belarus.

*Creation and activities of public associations of an ethnic and cultural nature and participation of their representatives in special advisory bodies of executive organs*

135. Under article 36 of the Constitution, everyone has the right to freedom of association. Public associations contribute to ascertaining and expressing the political will of citizens (article 5 of the Constitution). Public associations are established by citizens for the fulfilment of their rights.

136. The right to establish national cultural associations is specifically set out in article 5 of the Act on National Minorities. This right is exercised in accordance with procedures laid down for all public associations in the Act on Public Associations. There are no restrictions whatsoever on the participation of stateless persons and aliens in the activities of national cultural associations.

137. Ever since Belarus gained its independence and public life became democratic, the revival of the culture and ethnic life of the Belarusian people has been accompanied by a similar process among most of the ethnic minorities living in the country.

138. A citizen's acknowledgement of his affiliation to a particular ethnic group gives rise to an obligation to study his national language, to teach it to his children and raise them using it, to investigate and interpret the historical fortunes of races, to cooperate actively with ethnic States, to follow his traditions and customs and to revive and publicize his national culture. The legislative framework created in Belarus in the past decade guarantees the realization of such rights, individually and collectively.

139. As of 1 January 2003, there were 116 legally registered public associations and their federations, established by 22 national and ethnic groups, including: 4 Azerbaijani, 3 Armenian, 1 Arab, 1 Afghan, 5 Tatar and Bashkir, 1 Georgian, 2 Greek, 1 Dagestani, 46 Jewish, 1 Kazakh, 1 Korean, 1 Latvian, 8 Lithuanian, 1 Moldavian, 9 German, 13 Polish, 6 Russian, 1 Syrian, 5 Ukrainian, 3 Roma, 1 Chuvash and 1 Estonian. There were five more associations than in 2001. There is a federation of public associations, the Belarusian Congress of Ethnic and Cultural Organizations. Thirty-six international and national associations have branches in various regions, including rural areas.

140. These organizations are engaged in cultural and educational programmes and charity work, and receive State and municipal support. Their activities are mainly connected to learning about the art, culture and history of their peoples, and they organize seminars, festivals, exhibits, conferences and celebrations, and establish artistic ties with their countries of origin. Cultural centres and popular crafts centres have also been created, of which there are now more than 120.

141. Public associations of an ethnic and cultural character, as mentioned above, cooperate with State authorities on a wide range of issues affecting the rights and freedoms of citizens belonging to national minorities.

142. The role and functions of the Coordinating Council for Ethnic Community Affairs and of the other advisory bodies with similar functions are described in paragraphs 118 to 120 above.

*Lodging of appeals*

143. Under article 40 of the Constitution, everyone has the right, individually and collectively, to address collective appeals to State bodies. State bodies and officials must consider any appeal and respond to its substance within the period specified in law.

144. A number of specific rights of members of ethnic minorities are realized in this way, in accordance with Belarusian legislation. In particular, under articles 22 and 23 of the Languages Act and article 6 of the Education Act, children's pre-school establishments and general education schools in which instruction takes place in the language of an ethnic minority may be established in accordance with the citizens' wishes and if the parents make a declaration.

**(d) Other civil rights**

**(i) The right to freedom of movement and residence within the border of the State**

**(ii) The right to leave any country, including one's own, and to return to one's country**

145. Article 30 of the Constitution provides that citizens of the Republic of Belarus shall have the right to move freely and to choose their place of residence within the country and to leave it and return to it without hindrance.

**(iii) The right to nationality**

146. Under the Constitution, the President decides on matters related to the granting of citizenship of the Republic of Belarus.

147. The procedure for granting citizenship is set out in the Citizenship Act which determines the legal bases of State regulation in matters of citizenship. It regulates the basis and procedure for obtaining, preserving and withdrawing citizenship of the Republic of Belarus and for the adoption and implementation of, and lodging of appeals against, decisions in matters of citizenship, and establishes the competence of State bodies, as well as the rights and obligations of Belarusian citizens in this sphere.

148. The procedures for receiving, considering and submitting applications for citizenship of the Republic of Belarus and to renounce it, for drafting documents regarding loss of citizenship and for determining whether citizenship is held, and also for revoking and supplementing decisions on citizenship matters, are set out in the order on the procedure for considering matters relating to citizenship of the Republic of Belarus, approved by Presidential Decree No. 209 of 17 November 1994 (in the version of Presidential Decree No. 552 of 4 November 2002).

149. The legal status of foreign nationals and stateless persons in Belarus is governed by the Constitution, the Immigration Act, the Legal Status of Foreign Nationals Act, resolutions No. 1653 and No. 1654 of 25 October 1999 of the Council of Ministers approving,

respectively, the resolution on deportation of foreign nationals and stateless persons in the Republic of Belarus, and the rules of residence of foreign nationals and stateless persons in the Republic of Belarus.

150. Under article 11 of the Constitution, foreign nationals and stateless persons in the territory of the Republic enjoy the rights and freedoms and fulfil the same obligations as citizens of the Republic of Belarus, unless otherwise provided in the Constitution, laws and international agreements.

151. Chapter II of the Act governing the Legal Status of Foreign Nationals and Stateless Persons stipulates that foreign nationals and stateless persons in Belarus, in accordance with its Constitution and laws, are guaranteed immunity of person and domicile and other personal rights and freedoms. Foreign nationals and stateless persons in Belarus are equal before the law, irrespective of origin, social or property status, racial or ethnic affiliation, gender, education, language, attitude to religion, type and nature of occupation or other circumstances.

152. Foreign nationals and stateless persons residing permanently or temporarily in Belarus may move within the territory of the Republic and choose their place of residence, have the right to receive education in Belarus, may enter into or dissolve marriages with Belarusian citizens and enjoy the same marriage and family rights as citizens of the Republic of Belarus.

153. The principles governing the deportation of foreign nationals and stateless persons from Belarus are set out in article 25 of the Act on the Legal Status of Foreign Nationals and Stateless Persons Act and article 28 of the Immigration Act.

154. Decisions to expel foreign nationals from Belarus are taken by the internal affairs or security authorities, without reference to their ethnic, racial or religious affiliation. A person who is the subject of an expulsion order is entitled to lodge a judicial appeal against the order, and the deportation procedure is suspended until a decision is taken on the appeal.

155. Belarusian legislation does not restrict the rights of foreign nationals to enter and remain in the country on grounds of their racial, ethnic or religious affiliation or other similar factors.

156. Restrictions may be placed on the rights and freedoms of foreign nationals and stateless persons only in cases where they are necessary to protect the rights and fundamental freedoms of Belarusian citizens, ensure State security or protect social order and public health.

157. Under the Constitution, the President decides matters relating to the granting of asylum. The procedure for granting asylum to foreign nationals and stateless persons in Belarus is laid down in an order approved by Presidential Decree No. 229 of 29 November 1994 on the procedure for considering matters relating to the granting of asylum to foreign nationals and stateless persons. In accordance with this Order, asylum may be granted to foreign nationals and stateless persons if they are forced to leave their country of origin or permanent residence as a result of persecution on grounds of political or religious beliefs or ethnic affiliation. Matters relating to the granting of asylum are considered without reference to the racial or ethnic affiliation, gender or education of the applicant.

158. Annex II contains statistical data on foreign nationals who received authorization to remain permanently in Belarus in 2002, on other categories of foreign nationals in the country during that period and on the number of offences and infringements of the law that occurred with the participation of, and in relation to them in 2002.

**(iv) The right to marriage and choice of spouse**

159. An examination of Belarusian family law from a gender perspective shows that current family legislation is based on the strict observance of the principle of equality between spouses, in application of the constitutional principle of equality between men and women and also of the principle of equal rights for spouses in family relations (article 32 of the Constitution).

160. In the new Marriage and Family Code, which came into force on 1 September 1999, the principle of equality is enshrined in article 1, which establishes the basic principles of family law. This article states that family relations are based on the equal rights of both spouses within the family and on mutual love and respect and mutual assistance among all family members.

161. The legal regulation of marital and family relations in Belarus is the prerogative of the State. Belarus only recognizes marriages contracted in State registry offices. Religious ceremonies relating to marital and family issues have no legal significance (Marriage and Family Code, art. 4).

162. Article 12 of the Marriage and Family Code states that marriage is a voluntary union of a man and a woman, concluded under the procedure and conditions and in accordance with the requirements of the law, that its purpose is the founding of a family and that it gives rise to mutual rights and duties for the parties. In order to enter into marriage, both parties must be consenting and have reached marriageable age, and there must be no impediments to the marriage as defined in article 19 (art. 17).

163. Article 18 of the Code sets the legal marriage age at 18 for both women and men. If a child has been born to the couple or if there is a certificate of registration of a pregnancy, or in the case of a person under 18 who has been emancipated, and provided that the other conditions for contracting a marriage as stipulated in article 17 of the Code are met, the State registry office may lower the minimum age of marriage established by law, but by no more than three years.

164. The rights and duties of spouses arise as of the date of registration of the marriage by a State registry office (art. 20).

165. Family relations are regulated in accordance with the principles of the voluntary nature of the union between husband and wife (arts. 1 and 12), and the joint settlement of marital and family issues by mutual agreement (art. 20).

166. Since the equality of spouses' rights within the family is expressed principally in the fact that husband and wife have equal rights in the resolution of all matters relating to their life together, this principle is applied in other articles of the Code which regulate the spouses'

specific rights and duties. Thus, article 21 provides for the right of spouses at the time of their wedding to choose the family name of one of the spouses as their shared name or to retain their own names. Article 22 provides for the right of the spouses freely to choose their occupation and place of residence.

167. A marriage may be dissolved by a court of law upon the application of one of the spouses. Dissolution cannot be granted during pregnancy or during the first three years following the birth of a child, unless the other spouse has given written consent to a divorce (arts. 34 and 35).

168. The Code clearly establishes anti-discrimination rules concerning the equal rights of parents in resolving issues relating to their children. Under article 76 of the Code, the father and mother have equal rights and duties in relation to their children. The parents also enjoy equal rights and have equal responsibilities concerning their children in the case of the dissolution of the marriage, unless otherwise provided for in a formal agreement concerning the children.

169. Under article 75 of the Code, parents are obliged to take care of their children's physical, mental and moral development, their health, their upbringing and their preparation for independent life in society. The same article emphasizes that all issues relating to the children's upbringing shall be resolved by both parents by mutual agreement. In the absence of such an agreement, any dispute shall be resolved by the guardianship and trusteeship body, with the participation of the parents. Judicial appeals may be made against such decisions.

170. The parents confirm their authority over the protection of their children's rights and interests by means of documents relating to parenthood, such as the child's birth certificate, and also their own passports (art. 73).

**(v) The right to own property alone as well as in association with others**

171. Under article 13 of the Constitution, the State grants equal rights to all to conduct economic and other activities, other than those prohibited by law, and guarantees equal protection and equal conditions for the development of all forms of ownership. The State guarantees to everyone equal opportunities for the utilization of abilities and assets for business and other activities not prohibited by law.

172. Article 44 of the Constitution guarantees everyone the right to property and obliges the State to contribute to its acquisition. A proprietor has the right to possess, enjoy, and dispose of assets, either individually or jointly with others. The inviolability of property and the right to inherit property are protected by law. The compulsory alienation of assets shall be permitted only by reason of public need, under the conditions and the procedure specified by law, with timely and full compensation for the value of the alienated assets, and in accordance with the verdict of a court of law. The exercise of the right of property must not be contrary to social well-being or security, be harmful to the environment or historical and cultural treasures, or infringe upon the rights and legally protected interests of others.

173. Under article 23 of the Marriage and Family Code, spouses have equal rights in the ownership, use and disposal of property acquired during the marriage, regardless of which of them acquired it or by whom or on whose account it was paid for. Unless the marriage contract

provides otherwise, equal rights also apply in relation to jointly acquired property in cases where one of the spouses has, during the marriage, been occupied with housekeeping or childcare or, for other valid reasons, did not have his or her own income.

174. The Marriage and Family Code for the first time established the marriage contract as a means of governing the relations between spouses. Under article 13 of the Code, the marriage contract is recognized as an agreement between the spouses relating to joint property and the individual property of each of them and, should the marriage be dissolved, the procedure for dividing the spouses' joint property and their material obligations towards each other, the manner, methods and means of their children's upbringing, the children's place of residence, amount of child support, visitation arrangements for the non-custodial parent and also other issues relating to the support and upbringing of children in the event of dissolution of the marriage.

175. The marriage contract may also regulate other aspects of the relationship between the spouses subject to the provisions of marital and family law (art. 13). In order to protect the legal rights of under-age children, the Code, in article 38, for the first time created the possibility for the spouses, upon dissolution of the marriage, to enter into an agreement relating to the children. In such an agreement, the parents determine where the children are to live, the amounts of child support, and visitation arrangements for the non-custodial parent and other issues relating to the support and upbringing in accordance with their rights.

176. Any dispute arising between the spouses relating to the division of their joint property (art. 41) or to recovery of alimony (art. 40), as well as disputes concerning child support and the upbringing of children (art. 39) are dealt with by the courts. Under article 68 of the Code, the parents have equal individual rights and obligations not related to property, including rights and obligations in determining a child's given name, patronymic and family name, its citizenship in cases provided for by law, and its place of residence, in the children's upbringing, care and supervision, and in their representation and the protection of their rights and interests.

#### **(vi) The right to inherit**

177. Article 44 of the Constitution guarantees everyone the right to inherit property. The right to inherit is also guaranteed by article 1031 of the Civil Code, which regulates inheritance and other legislative acts adopted in connection with it.

178. Article 1041, paragraph 5, of the Civil Code (Testamentary freedom), states that the freedom to bequeath is restricted by rules concerning an obligatory share of an inheritance, and prohibiting the imposition on persons named as beneficiaries in a will of obligations to dispose of the inherited property in a particular way in their own wills. It is also prohibited to include in a will conditions of conduct necessary to obtain an inheritance which are unlawful or impossible for the beneficiary to fulfil for objective reasons.

#### **(vii) The right to freedom of thought, conscience and religion**

179. Religions and faiths are equal before the law under article 16 of the Constitution, which also prohibits activities of religious organizations and of their bodies and representatives that are directed against civic harmony or involve a violation of citizens' rights and liberties.



180. Article 31 of the Constitution provides that everyone has the right independently to determine his or her attitude to religion, to profess any religion individually or together with others or to profess none at all, to express and disseminate beliefs related to his or her attitude to religion, and to take part in acts of worship and rituals and rites not prohibited by law.

181. The Act on the Freedom of Conscience and Religious Organizations stipulates that any kind of direct or indirect restriction of rights or the establishment of any privileges for citizens on grounds of their attitude to religion shall be punishable by law. It establishes the right of everyone to freedom of conscience and freedom of religion, as well as to equality before the law, irrespective of their attitude to religion.

182. At 1 January 2003, there were 2,825 religious communities representing 26 faiths in Belarus. A further 140 organizations of a religious nature (religious associations, monasteries, brotherhoods, sisterhoods, missionary societies, spiritual educational establishments) exist in the country, making a total of 2,965 religious organizations.

183. Article 3 of the Act on National Minorities prohibits any direct or indirect restriction of the rights and freedoms of citizens of the Republic of Belarus on grounds of their affiliation to an ethnic minority.

184. Article 5 of the same Act provides that the Republic of Belarus, out of respect for human rights, guarantees its citizens regarding themselves as belonging to ethnic minorities equal political, economic and social rights and freedoms, including the freedom to profess any religion and to perform ethnic and ritual ceremonies in the native language.

185. The performance of ethnic and ritual ceremonies falls within the competence of the relevant ethnic and religious organizations, which decide this matter independently and on the basis of their traditions and the wishes of the believers and the members of these organizations. In the Grodno region, for instance, where a large proportion of Catholics are Polish, services are generally held in Polish.

186. In addition, Belarusian legislation provides for the equality of persons belonging to ethnic minorities, irrespective of the length of time they have been in the country. For instance, the rights of representatives of the Belarusian, Russian, Polish, Tatar or other peoples which have been living in Belarus for many centuries are no different from those of the migrants of recent years.

187. Article 12 of the Act on National Minorities states that citizens of the Republic of Belarus of all ethnic groups enjoy the equal protection of the State, and any actions aimed at discrimination on grounds of ethnicity, creation of obstacles to the enjoyment by ethnic minorities of their rights or incitement to hostility between ethnic groups shall be prosecuted under the law.

188. Under the Labour Code, discrimination on ethnic, language, racial or religious grounds is prohibited and prosecuted by law.

**(viii) The right to freedom of opinion and expression**

189. Article 27 of the Languages Act stipulates that the language of any ethnic group whose representatives live in the country may be used as a language of the mass media. Certain difficulties arise in implementing this right, due to the fact that in the great majority of cases members of ethnic groups do not speak their own (national) languages. For many of them, Belarusian or Russian is their mother tongue. There is no obstacle to the implementation of this right on the part of the Belarusian authorities.

190. There is one newspaper in the Ukrainian language, 12 newspapers and magazines in Polish, and in the Grodno region, where there is a concentration of ethnic Poles, regional television and radio stations regularly broadcast a sufficient number of Polish-language programmes. The publication with the largest circulation is the Polish-language weekly *Glos z-nad Nemna* (the organ of the Society of Poles), which has a circulation of more than 6,000. The president of the Ukrainian Community Association *Bereginya Scientific and Educational Society*, L.S. Doroshko, hosts the Ukrainian-language programme *Ukrainskay vitalnya* on the Brest regional radio.

191. A large proportion of members of ethnic minorities do not speak their own national languages, having Belarusian or Russian as their native tongue. For this reason, ethnic community associations representing a number of ethnic groups issue cultural and information bulletins, newspapers and periodicals in Russian and Belarusian (*Aviv, Berega, Mishpocha* - Jewish, *Bairam, Zhizn* - Tatar, *Kak dela?* - German).

**(ix) The right to freedom of peaceful assembly and association**

192. Under article 35 of the Constitution, the freedom to hold assemblies, meetings, marches, demonstrations and picketing that do not violate the law or the rights of other citizens of the Republic of Belarus is guaranteed by the State. The procedure for conducting such events is determined by law. At the same time, the holding of such events is prohibited if their aim is propaganda for war or ethnic, religious or racial hostility (article 11 of the Assemblies, Meetings, Marches, Demonstrations and Picketing Act).

193. See also paragraphs 136 to 138 above on the right to freedom of association, and paragraphs 139 and 140 above on public associations and federations.

**(e) Economic, social and cultural rights:**

**(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration**

194. The Republic of Belarus is a party to the following conventions:

- ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951;
- ILO Convention No. 122 concerning Employment Policy;

- ILO Convention No. 111, concerning Discrimination in Respect of Employment and Occupation, 1958;
- ILO Convention No. 155 concerning Occupational Safety and Health and the Working Environment, 1981;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women.

195. In addition to the Constitution, the principle of equality is enshrined in other legislative instruments such as the Marriage and Family Code, the Labour Code, the Criminal Code, the Civil Code, the Employment Act and others. In these documents, the State guarantees the right to choose one's employment, and the conditions laid down do not hinder the exercise of fundamental human rights and freedoms.

196. Under article 41 of the Constitution, citizens of the Republic of Belarus are guaranteed the right to work as the worthiest means of an individual's self-assertion, that is, the right to choose a profession, type of occupation, and work in accordance with one's vocation, capabilities, education, and vocational training, and having regard to social needs. The State creates the conditions necessary for full employment. Where a person is unemployed for reasons beyond his control, he is guaranteed training in new specializations and an upgrading of his qualifications, having regard to social needs, and to unemployment benefit in accordance with the law.

197. The new Labour Code entered into force on 1 January 2000. It governs labour relations based on labour agreements, labour and associated relations based on membership of and participation in organizations of any organizational and legal type, and relations arising in the vocational training of workers in industry, the activities of trade unions and employers, the conduct of collective bargaining, mutual relations between workers and their representatives and employers, job creation, monitoring and supervision of compliance with the labour laws, State social insurance and the settlement of labour disputes.

198. Under article 14 of the Labour Code, discrimination, in the sense of restrictions to employment rights or the acquisition of any privileges on grounds of gender, race, ethnic origin, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or professional status, or physical or mental disabilities that do not prevent the discharge of employment functions, is prohibited.

199. These guarantees are also set out in the Employment Act.

200. Under article 5 of that Act, the State guarantees citizens free vocational training and retraining, free assistance in choosing appropriate work and job placement in accordance with their vocation, capabilities, vocational training and education, including career guidance, irrespective of gender, religion, colour or ethnic origin.

201. Labour and business activities of foreign nationals and stateless persons temporarily resident in Belarus, in accordance with article 13 of the Legal Status of Foreign Nationals and Stateless Persons Act of 3 June 1993, are regulated by the Council of Ministers resolution No. 1258 of 26 September 2002. This resolution provides that foreign nationals and stateless persons temporarily resident in Belarus have the right to engage in:

- Labour activities, through the acquisition of an authorization issued by the Ministry of Labour and Social Protection under the procedure laid down by the Ministry in agreement with the Ministry of Internal Affairs;
- Business activities, through the acquisition of a special permission from the internal affairs authorities under the procedure laid down by the Ministry of Internal Affairs in agreement with the Ministry of Labour and Social Protection.

202. The situation on the Belarusian labour market is closely bound to that of the national economy. The labour market was formed in the period 1991-1996 in difficult social and economic circumstances, resulting in an increase in the volume and duration of unemployment and a decline in workforce demand in functioning enterprises. Following the social and economic reforms carried out in the labour market and the Government's purposeful action in relation to the most important features of the labour market in 1997-2000 and 2001-2002, a trend emerged towards a less strained labour market.

203. During the past decade, registered unemployment in Belarus rose from 0.05 per cent of the active population in 1991 to 4 per cent (182,500 persons) in 1996. Starting in 1997, unemployment has fallen steadily to stabilize during 1999-2000 at 2.1 per cent of the active population. In November 2002, 104,100 persons, or 2.3 per cent of the active population, were unemployed. The ratio of labour supply to vacancies improved from 12:1 in 1997 to 3:1 in 1999-2000. The average workforce requirement declared by employers was 64.8 persons at the end of 1991. This figure fell to 11.3 persons by the end of 1995 but stood at 40.6 in November 2002. Long-term unemployment has been falling steadily. The proportion of those unemployed for more than one year declined from 24.5 per cent in 1997 to 12.6 per cent in 2000. The average length of unemployment during this period dropped from 8.4 months to 6.4 months.

#### **Total employment (thousands)**

	1990	1995	1996	1997	1998	1999	2000
Total employed:	5 150.8	4 409.6	4 364.8	4 369.9	4 416.6	4 442.0	4 441.0
Of which:							
Men	-	2 105.7	2 128.0	2 128.6	2 146.5	2 127.8	2 113.9
Women	-	2 303.9	2 236.8	2 241.3	2 270.1	2 314.2	2 327.1
in urban settlements	3 585.7	3 175.5	3 203.0	3 227.8	3 309.4	3 366.4	3 397.1
in rural areas	1 565.1	1 234.1	1 161.8	1 142.1	1 107.2	1 075.6	1 043.9

204. The proportion of women in unemployment has fallen steadily, from 80 per cent of unemployed in 1991 to 64 per cent in 1994 and 61 per cent in 2000. However, the typical profile of the jobseeker is still a woman, as there is a greater demand for a male workforce, and women seek work twice as long as men. Almost 80 per cent of the long-term unemployed are women.

205. There are substantial differences in job opportunities for manual and office workers and for men and women, as well as a significant imbalance in the supply and demand in terms of education and skills and in the geographical breakdown of vacancies and unemployed.

206. Strain on the labour market remains high in individual towns and areas where there has been a high level of unemployment from the start. This occurs mainly in towns and villages in monostructural regions where the main economic activity has not recovered from economic decline (Novolukoml in the Smorgon district, and Mikashevichi in the Luninets district) as well as in former military garrisons (Gantsevich, Kalinkovich and Postav districts). Levels of registered unemployment exceed the national average and stand at 3-4 per cent.

207. The number of citizens availing themselves of various forms of assistance from State employment services has risen from 200,000 in 1992-1993 to 600,000 in 1996-2000. This is due to the completion of the employment legislation, greater possibilities for the State employment service to provide services to the unemployed and employers, and the emergence of new work areas.

208. There has been an increase in the number of applications to the State employment service from citizens who are not entitled to employment under existing procedures and are seeking additional or temporary work, particularly seasonal jobs and in agriculture (teachers and students, pensioners, disabled persons, working citizens).

209. Special attention is being paid to the requirements of those groups of the population that are in an unfavourable position as regards access to the labour market so as to enable them to become involved in productive activity (disabled persons, minors, persons of pre-pensionable age, single parents and parents with many children, disabled children, etc.).

210. The Government of Belarus is endeavouring to create a rational employment structure in accordance with the requirements of economic reforms, the more efficient use of labour resources and the social protection of citizens against unemployment.

211. The basic principles of State employment policy are laid down in article 4 of the Employment Act. They are:

- Ensuring equal opportunities for all citizens of the Republic able to work, irrespective of race, gender, attitude to religion, age, political beliefs or ethnic or social status, in implementation of the right to work;
- Providing social guarantees and unemployment compensation;
- Supporting citizens' labour initiatives and assisting and encouraging the development of their capabilities for productive and creative work;

- Taking measures aimed at preventing unemployment;
- Taking additional measures to promote the employment of citizens with limited ability to work;
- Providing social protection in the field of employment, and carrying out special measures to find jobs for citizens wishing to work;
- Coordinating employment activities with other areas of social and political policy;
- Participation of trade unions, employers' associations (societies) and their units in the preparation, implementation and monitoring of measures to ensure employment in cooperation with State administrative authorities;
- International cooperation in solving employment problems, including trade-union activities carried out abroad by Belarusian citizens and the labour activities of foreign nationals in Belarus.

212. Priority in resolving employment problems is attached to active measures to boost the labour market: creation of new jobs, assistance to small businesses and to self-employed, training and retraining of management staff and development of a system of public works. Since 1992, the practical implementation of State employment policy has been carried out through annual State and regional employment programmes.

213. The basic purpose of the employment programme is to put in place a set of measures aimed at easing labour-market strains, encouraging employers to create and preserve jobs, developing systems of vocational guidance and training for the unemployed, supporting self-employment and small enterprise initiatives of the unemployed, and ensuring the purposeful support and social protection of citizens who have temporarily lost their jobs. The Government's implementation of the set of measures has created conditions for overcoming a number of negative phenomena on the labour market and keeping registered unemployment to a socially acceptable level.

214. The State Employment Programme for 2002 provides for a number of active measures to prevent a rise in unemployment, including renewing of vacancies, encouraging individual and small-scale entrepreneurship, increasing the competitiveness of available management potential, activating the finding of jobs for socially vulnerable sectors of the population that are unable to compete on equal terms on the labour market, and improving the regulatory and legal base governing employment matters.

215. The starting point for solving employment problems will be the need to achieve a balance between labour supply and demand, taking into account the vocational and labour interests of every individual.

216. A total of 2,209 businesses have received financial assistance from the State employment assistance fund, of which 140 in 1996, 417 in 1997, 460 in 1998, 442 in 1999, 437 in 2000 and 313 in the first nine months of 2001. As a result, 28,000 new jobs have been created and filled by unemployed workers sent by job centres. The amount spent

from the fund's resources for these purposes was 12.9 billion roubles, including 50.3 million roubles in 1996, 365.1 million roubles in 1997, 619.2 million roubles in 1998, 1.5 billion roubles in 1999, 4.4 billion roubles in 2000 and 5.8 billion roubles in the first nine months of 2001.

217. Numerous facts indicate that the provision and use of resources from the State employment assistance fund has a positive impact not only on employment but also on the solution of a whole set of socio-economic problems and on increasing the efficiency of the work of collective bodies.

218. A package of organizational and practical measures has been put in place to develop entrepreneurship as one of the most important ways of ensuring employment for those out of work. A new resolution has been drafted on assistance to the unemployed by State employment service bodies in the organization of business activity and its further development (Ministry of Labour resolution No. 117 of 28 August 2000). The following statutory instruments have been drafted and approved on measures for the organization of paid public jobs and the widespread recruitment against these posts of unemployed persons and other categories of inactive persons:

- Order on the procedure for organizing and conditions for carrying out public work in the Republic of Belarus (Council of Ministers resolution No. 513 of 16 May 1997);
- Recommendations for State employment service bodies on the procedure for organizing paid public work of socially useful significance and conditions for its financing from the State employment assistance fund (Ministry of Labour resolution No. 100 of 30 July 1999).

219. Special attention is being paid to ensuring employment for citizens who are unable to compete on equal terms on the labour market, in particular disabled persons and minors. To this end, the following have been drafted and approved:

- Order on the procedure for establishing reserved work places for citizens who are unable to compete on equal terms on the labour market and reimbursing costs for the creation and maintenance of additional jobs (Ministry of Labour resolution No. 48 of 29 April 1999);
- Order on the procedure and conditions for reimbursing costs for the acquisition of specialized equipment when creating jobs in order to employ disabled persons using resources of the State employment assistance fund (Ministry of Labour resolution No. 81 of 10 July 2001).

220. Work on the establishment of social work centres in Minsk, Mogilev and Grodno was started by the Ministry of Labour and Social Protection and the Belarusian Charitable and Health Fund in 2001, as a project entitled "Creation of three social work centres for unemployed disabled persons in Belarus", which is being carried out with the financial support of the MATRA Social Transformation Programme for Central and Eastern Europe of the Netherlands Foreign Ministry.

221. One of the most active employment policy measures aimed at mitigating the economic and social consequences of unemployment is vocational training, which makes it possible to ensure the professional competence, competitiveness and mobility of the workforce and to provide additional encouragement to an individual to go back to work.

222. A system of vocational training for the unemployed has been developed in Belarus within the State employment service. It is an integral part of the national system of vocational education with its special features and particular aims, purposes, organizational and educational operating and development conditions, funding principles, etc. To ensure effectiveness of the system of vocational training for the unemployed, an appropriate regulatory and legal base has been established, defining the composition of participants, their rights and obligations, and coordination procedures. A key aspect is to ensure the maximum possible balance, in current economic conditions, between the interests of citizens and the needs of the labour market and the economy as a whole.

223. Vocational training is provided for the unemployed in almost 400 educational establishments of various kinds of ownership and departmental status, including three training centres established within the State employment service, of which the most important is the Algoritm national scientific, methodological and training centre. Algoritm not only carries out vocational training for the unemployed (about 850 persons) and provides refresher training for specialists in the State employment service (250-300 persons a year), but also has a programme to create a methodological system for vocational training for the unemployed in Belarus and to establish a documentation data bank. The teaching material developed by Algoritm is of high quality and meets all State requirements for such trades as stonemason, bricklayer-tiler, painter-plasterer, joiner, carpenter, electrical and gas welder, pastry cook, garage mechanic, tractor driver, industrial and non-industrial sales, woodworking lathe operator, baker, cook, tailor, milling machine operator, seamstress, etc.

224. Experience of the activities of the joint training centre set up at the Mogilev Polytechnic between the State employment service and the Ministry of Education has been positive. It has ensured that the training for the unemployed, the development of new training technologies and methods, and the dissemination of experience to other educational establishments, have been accomplished in a systematic, diversified and high quality manner.

225. The decision to establish the Brest experimental training and methodological centre was taken at the end of 1996 within the framework of TACIS. The assistance of highly qualified specialists from Denmark and the Netherlands at the centre resulted in the introduction of a modular training system which has opened up new possibilities, making it possible for training to take account of the experience and knowledge of the student, as well as his/her wishes and his/her learning ability, to combine modules from various courses, to enable students to carry out basic work independently with little assistance from the teacher, to use individual programmes and to reduce the length of training. Vocational training and retraining for the unemployed is provided for 12 trades and specialities. The centre also provides refresher training for woodworking lathe operators and entrepreneurs, both for bodies of the State employment service and upon application from enterprises and organizations in Brest and the Brest free economic zone.



226. One of the most complex issues in the integration of refugees is finding them housing and jobs. Migration bodies, together with the Belarus office of UNHCR, are taking measures for the adaptation and social integration of refugees. These institutions have carried out a number of projects relating to the housing of persons with refugee status. With the financial assistance of the Belarus office of UNHCR, necessary repairs and refurbishment have been carried out in dwellings allocated by local executive and organizational authorities to house refugees in Pinsk (Brest region), Liozno (Vitebsk region), Minsk, Logoisk and the Minsk region. These projects enabled 24 persons to be housed, including five families and four orphaned children. A temporary accommodation centre for 30 asylum-seekers has been opened in Vitebsk, and five places have been reserved in the Stolbtsa hostel in the Minsk region to accommodate foreigners seeking refugee status.

227. Refugees of working age who express a desire to work are given help in finding a job. In the Vitebsk region, for example, seven refugees have received assistance in finding a job on the same terms as Belarusian citizens, from urban and region employment centres. Three of them are working as doctors, one is teaching at the university, one works as a translator at the refugee advisory centre, and two are employed at a meat-packing factory and at the Vitebsk housing and community service. There are currently four refugees registered as unemployed at employment centres, one of whom is undergoing retraining with a view to changing his profession.

228. Refugees expressing a desire to work are also given help in finding jobs in the Gomel region. Twelve refugees are working in State enterprises and 32 are active in business, that is to say, 72 per cent of refugees of working age are employed. In the Minsk region, 51 per cent of active refugees have jobs. The table below shows the breakdown of the employment of refugees by region.

	Brest	Vitebsk	Gomel	Grodno	Minsk	City of Minsk	Mogilev	Total
Employed	4	10	12	2	9	14	1	52
Entrepreneurs	0	0	32	0	25	17	2	76
Unemployed	3	5	17	0	33	171	20	249
Registered with employment service	1	4	0	0	3	0	1	9

229. Under current legislation, depending on the wishes of their parents, all refugee children receive education in secondary education establishments and pre-school establishments. The right of refugees in Belarus to social protection, including social security, is guaranteed by Belarusian legislation.

230. In 1999, as part of the policy to combat social alienation, the non-governmental organization Young Women's Christian Association of Belarus (BYWCA), supported by UNHCR, carried out a project entitled "Social and cultural adaptation of women refugees". The aim was to assist women who had come to Belarus to escape from persecution and war in their own countries. A club for Afghan and Belarusian women was established under this project in 1999, where Afghan women and BYWCA members engaged in needlework, beauty treatment,

hairdressing and cooking, and celebrated holidays. They also became acquainted with Afghan and Belarusian national customs and traditions. At the same time, a social study was carried out to shed light on the situation of women refugees in Belarus, their needs and interrelations with the people around them.

231. Under article 61 of the Labour Code, workers are paid on the basis of hourly and/or monthly wage rates laid down in a collective contract or agreement by the employer or, in organizations funded from the State budget and receiving a State subsidy, by the Government or a body authorized by it.

232. Article 63 of the Labour Code stipulates that the forms, systems and amounts of workers' pay, including additional incentive and compensation payments, are established by the employer on the basis of a collective contract or agreement and a labour contract. The application of wage differentials depends on the complexity of the work and the stress involved, working conditions and the workers' level of skills.

233. Under the State Minimum Social Standards Act, the State minimum social standards for wages are the minimum wage and national wage rates determined using the wages coefficients of the Single Wage Scale of the Republic of Belarus, according to the wage rate for the first category as established by the Government, in consultation with the trade unions.

234. Article 59 of the Labour Code states that the minimum wage is the national minimum compulsory monthly payment in money and/or in kind to a worker by his employer for work carried out in normal circumstances and in compliance with the duration of working hours laid down in the current Code, and with labour standards. Additional payments, allowances, bonuses and other compensation and incentive payments are not included in the minimum wage.

235. The amount of the minimum wage is determined on the basis of the minimum consumer budget and established by the Government. Amounts exceeding the minimum wage may be specified in collective contracts and agreements, except those concluded by organizations funded from the State budget and receiving a State subsidy. Under current legislation, the minimum wage is guaranteed to all workers. It is reviewed if sufficient economic factors so warrant. Women and men, adults and minors, all have the right to equal remuneration for labour of equal value.

236. In January 2001, the Government approved the Blueprint for the State Administration of Labour Protection in the Republic of Belarus, which lays down the aims, principles and basic orientations of State policy in the field of labour protection, as well as the levels and staffing of the State administration of labour protection and their functions and powers.

237. In January 2001, the Government approved a special national programme to improve the conditions and protection of labour in the period 2002-2005. It is intended to achieve the following goals:

- Preparation and refinement of legislative and other regulatory legal instruments in the sphere of labour protection;
- Improved provision to workers of means of individual protection;

- Improved organization of workers’ labour protection training and refresher training;
- Improved organization of and information about labour protection, creation of labour protection centres, organization of labour protection services at all levels and increasing the effectiveness of their work;
- Improved supervision and monitoring of compliance with labour protection laws, interaction and coordination of such activities by State authorities and trade unions;
- Study, generalization and dissemination of experience in the sphere of labour protection.

238. Sectoral and regional programmes to improve labour conditions and protection have been prepared, providing for the adoption of measures to eliminate harmful and dangerous factors in the industrial environment and the workplace, improve workers’ public and domestic sanitation and medical services, and strengthen guarantees concerning the observance of workers’ constitutional rights to the protection of their health and life in the workplace.

239. Everyone working under a labour contract in Belarus has equal rights to labour protection, irrespective of citizenship or any other differences.

240. In order to ensure the security of workers’ lives and health, the legislation gives workers the right to refuse to carry out work given to them if it gives rise to an immediate danger to the worker and those around him, until the danger is eliminated, or if he has not been provided with means of individual protection directly guaranteeing his/her safety. This does not give rise to negative consequences of any kind for the worker. In addition, in the above-mentioned cases the employer must, until such time as the violation has been ended or a new job created, provide the worker with other work corresponding to his/her skills or, with his/her consent, work paid at a level not lower than the average wage for the previous work for a period of up to one month. If necessary the employer must, from his own resources, ensure that the worker is trained in a new specialization and continues to receive the average wage during the period of retraining.

241. If a worker’s health deteriorates as a result of working conditions or if he or she loses his/her ability to work because of an industrial accident or occupational illness, the employer must provide him/her, with the worker’s consent, with work of which he/she is medically capable or, from his own resources, ensure that the worker is trained in a new specialization and continues to receive the average wage during the period of retraining, and if necessary pay for his/her rehabilitation.

242. Under article 43 of the Constitution, workers have the right to holidays. For employees, this right is safeguarded by the establishment of a working week of no more than 40 hours, shorter working hours at night, and the provision of annual paid leave and weekly rest days. Under article 150 of the Labour Code, “leave” means being released from work under a labour contract for a specific period for rest or other social purposes while retaining one’s employment and salary. Article 154 of the Labour Code states that workers have the right to a basic minimum or basic extended holiday, irrespective of their employer, type of labour contract they have concluded, or way in which their work is organized and remunerated. Article 112 of the Labour Code provides that the full standard working week may not exceed 40 hours.

**(ii) The right to form and join trade unions**

243. Under article 41 of the Constitution, citizens have the right to protection of their economic and social interests, including the right to form trade unions and conclude collective agreements, and the right to strike.

**(iii) The right to housing**

244. Belarusian policy for the development of human settlements is established on the basis of the principles contained in the following documents: Agenda 21, the Istanbul Declaration on Human Settlements and the Habitat Agenda, documents of meetings of the United Nations Commission on Human Settlements and of various sessions of the Economic Commission for Europe (ECE) Committee on Human Settlements, the ECE Guidelines on Sustainable Human Settlements Planning and Management (1996) and the survey of the ECE Committee on Human Settlements entitled Towards Sustainable Human Settlements Development in the ECE Region (1996). It is also guided by documents signed in the framework of multilateral cooperation among States members of CIS, including the Urban Development Charter of the Commonwealth of Independent States.

245. Urban development policy for the period 1997-2003 is aimed at ensuring the stability of urban areas and the need to take into account and protect social interests relating to the provision of employment, high-quality education and training, and a secure and stable environment for the activities of people of various faiths and all races and ethnic groups, as well as ensuring the protection and rational use of natural resources.

246. It should be noted that no restrictions on grounds of race or religious affiliation apply in the establishment of human settlements policy. No informal or squatter settlements established on racial or religious lines exist in Belarus, nor are there any conditions that would give rise to them. Urban policy in Belarus provides for equal access to systems for providing members of all races and ethnic groups, without exception, with adequate housing, transport, technical, cultural and communal services, leisure and sanitation. The Constitution guarantees the right of citizens, irrespective of their religious, racial or ethnic affiliation, to housing and the constant improvement of the conditions necessary for the exercise of this right, and to the provision of social guarantees in meeting housing needs.

247. Housing policy defines three ways of improving housing conditions:

- Provision of housing for needy citizens, irrespective of their racial affiliation. For socially vulnerable sections of the population, the State builds, and encourages the building of, social housing funded from budgetary sources and provided for rental;
- Provision of housing to citizens with enough income to build or acquire housing for their personal use with State support. These are citizens officially recognized as needing better housing conditions;
- Provision of housing to citizens with enough income to improve their housing conditions entirely from their own resources.

248. In this way, citizens can build and acquire housing corresponding to their needs and income, without reference to their racial affiliation.

249. Since 1996, the State has supported the construction, reconstruction and acquisition of dwellings by providing citizens, irrespective of their racial and ethnic affiliation, with subsidies in the form of finance and goods. There are also forms of State assistance and ways of meeting citizens' housing requirements, irrespective of their social status or whether they are on the register of needy persons.

250. Floor area per person is 20.8 m<sup>2</sup>, with 18.8 m<sup>2</sup> in urban areas and 25.3 m<sup>2</sup> in rural settlements.

251. The reporting period has confirmed that the housing reforms set out in many laws and regulatory legal instruments are proceeding in the right direction. These instruments include a document entitled "On the sale to citizens for their own use of flats in houses of the State and social housing stock", the Property Act and the Privatization of the Housing Stock Act, which form the basis of the Government's National Housing Programme.

252. Under the Housing Code of the Republic of Belarus, eviction is a compulsory State and legal measure that is permitted only on grounds laid down in the relevant law and is carried out by decision of a court or order of the Procurator's Office. It is in no way a form of racial discrimination. It may occur with or without the provision of another suitable dwelling.

253. Individual cases of eviction were recorded in Belarus during the reporting period, on the following grounds: loss of the right to use official accommodation and death of the leaseholder (54 per cent), unauthorized occupation of premises (31 per cent), violation of the house rules (12 per cent) and others (3 per cent). There were 153 evictions in Minsk, 34 in a typically large town (Grodno) and 9 in a typically medium-sized town (Slonim).

**(iv) The right to public health, medical care, social security and social services**

*Right to public health*

254. The general system of health-care bodies and institutions provides health care and various types of medical assistance. The organization and provision of all types of medical care and services are regulated by the following basic laws and government decrees:

- The Health Care Act;
- The Rights of the Child Act;
- The State Assistance to Families Bringing up Children Act;
- The Demographic Security Act;
- The presidential programme "Children of Europe";
- The nationwide programme "Women of Belarus";

- The national plan of action to improve the status of women for the period 1996-2000;
- The national plan of action for gender equality for the period 2001-2005;
- The guidelines for implementing demographic policy, taking account of sustainable development of the economy during the transition period;
- The nationwide programme “Health of the Nation”;
- The nationwide programme “Youth of Belarus” for the period 2000-2003.

The Belarusian Government continues to prefer a solicitous approach to the medical care of women, giving pride of place to the protection of women and provision of services to them as mothers and family members. This is due to several factors: the need to set priorities in providing medical care to various sections of the population or for various illnesses, taking into account the country's limited financial resources; the importance of maintaining women's health from the standpoint of the effect on the family's health and the health of society as a whole; the importance of maintaining women's health from the standpoint of shaping the health of future generations, i.e. the state of health of newborn infants.

255. Moreover, women's reproductive health and the state of health of pregnant women in the last decade has deteriorated significantly in spite of a steady decline in the traditionally accepted general indicators, such as maternal and infant mortality and the number of abortions among women of fertile age. However, the morbidity rates of newborn infants and the health of children under the age of five are worsening. In this connection, the Ministry of Health is pursuing a policy of compulsory observation of girls at specified intervals (at 6-7, 10-12 and 14-16 years of age), with a view to the timely diagnosis and treatment of conditions affecting the organs of the reproductive system. Belarus also has a so-called “fertile reserve” of women aged 15-40 years capable of producing children in the future. These women are given free annual preventive check-ups, and treatment is prescribed for any conditions diagnosed, as well as appropriate contraception. In addition, women who have expressed the wish to have a child are given appropriate medical care prior to conception and subsequent deficiency prevention treatment (iron, iodine, calcium) during pregnancy to reduce the risk of birth defects and complications during pregnancy or delivery.

256. In view of the long-term negative demographic trends that have emerged, and low reproductive requirements, with a birth rate of less than 1.3, and children under 14 years of age account for 18.9 per cent of the population, the task is not “to preserve traditional roles” but, on the contrary, to overcome social stereotyping that reduces the role of the family and childbearing in the priorities of women's lives.

257. The view that Belarusian legislation protects motherhood and thereby creates obstacles to women operating in the labour market is also, in our view, unfounded. Firstly, because this problem is not a significant one for Belarusian society as a whole and, secondly, under the

current legislation, any member of the family may be given social paid leave to look after a child. The Government cannot consider children as a problem creating an obstacle to the operation of the labour market. On the contrary, the realities are such that Belarusian women and their families are giving up the work of giving birth to and raising children. This work therefore needs support.

*The right to social security*

258. Under article 47 of the Constitution, citizens of the Republic of Belarus are guaranteed the right to social security in old age, in the event of illness, disability, loss of fitness for work, loss of the breadwinner and in other instances specified in law. The State displays particular concern for war and labour veterans, and for those who have lost their health in the defence of national and public interests.

259. There are a great number of social assistance programmes in Belarus, in the form of social benefits, payments, concessions, etc., covering more than 200 categories of families and citizens living alone, with a number of recipients reaching almost 5 million.

260. Under the Fundamentals of National Social Insurance Act, benefits are paid to persons covered by national social insurance. This scheme is compulsory for persons working on the basis of labour contracts or membership of, or participation in, legal entities of any organizational or legal type, on the basis of civil law contracts covering the provision of services, carrying out of work and creation of items of intellectual property, and also for persons working with legal entities and individual entrepreneurs.

261. Subject to the payment of insurance contributions, national social insurance also covers individual entrepreneurs, citizens working under civil law contracts with physical persons, creative workers, and foreign nationals and stateless persons working in Belarus. National social insurance payments to insured persons include:

1. Temporary incapacity allowance for:
  - Loss of capacity following an illness or injury;
  - Care of a sick member of the family;
  - Care of a child up to three years of age and of a disabled child up to 18 years of age in the event of the mother's illness or that of any other person actually caring for the child;
  - Treatment in a sanatorium or spa;
  - Fitting of an artificial limb involving accommodation in the in-patient department of a prosthetics and orthopaedic establishment;
  - Quarantine;

2. Pregnancy and childbirth allowance;
3. Family allowances:
  - After the birth of a child;
  - For the care of a child up to 3 years of age;
  - For the care of a sick child up to 14 years of age;
  - For the care of a child up to 3 years of age and of a disabled child up to 18 years of age in the event of the mother's illness or that of any other person actually caring for the child;
4. Burial allowance on the death of the insured person or a member of his family.

262. National social insurance allowances are paid to those making national social insurance contributions from additional insurance contributions to the Social Protection Fund. The amounts of allowances are as follows.

263. The temporary incapacity allowance is of 80 per cent of the average daily wage for the relevant work schedule for the first six calendar days of incapacity, and 100 per cent for subsequent working days.

264. Particular categories of insured persons receive 100 per cent of the average daily wage from the first day of loss of capacity. These include disabled war veterans and similar victims of the Chernobyl accident, persons with three or more dependent children under 16 or 18 if they are students and orphans under the age of 21. The same allowance is paid for the care of a sick child up to 14 years of age, for the care of a child up to 3 years of age and of a disabled child up to 18 years of age in the event of the mother's illness or that of any other person actually caring for the child.

265. The maximum allowance payable during a calendar month must not be more than three times the national average wage for manual and office workers for the month preceding each month of incapacity.

266. Pregnancy and childbirth allowance amounts to 100 per cent of the average daily wage of insured women from the first day of the thirtieth week of pregnancy for 126 calendar days, but not less than twice the minimum monthly wage. There is no upper limit for this allowance. The pregnancy and childbirth allowance is also payable to women in the armed forces, ordinary and management staff of internal affairs bodies and full-time students in vocational and technical, secondary special and higher educational establishments.

267. Child allowances are distributed as follows. At birth of a child, entitlements are calculated as the amount of the approved average personal minimum consumption budget for a family of four in the month of the child's birth. For working mothers on leave to care for a child under 3 is of 35 per cent, and for non-working mothers, of 20 per cent, of the minimum



consumption budget for a family of four, in the prices current in September of the previous year. For care of a sick child up to 14 years of age, for the care of a child up to 3 years of age and of a disabled child up to 18 years of age in the event of the mother's illness or that of any other person actually caring for the child, 100 per cent of the average daily wage is paid from the first day of loss of capacity, without an upper limit.

268. The burial allowance is the amount of the average national wage for manual and white-collar workers for the month preceding the month of his/her death.

269. The State Employment Assistance Fund is a single-purpose State budgetary fund to insure against unemployment and to finance measures to provide employment. The unemployment allowance is determined by the State employment service, in accordance with the Employment Act. The amount of the allowance depends on the length of service and the average income in the last job, taking account of the minimum wage. Allowances are increased by 10 per cent for unemployed persons with dependent children up to the age of 14 or a dependent disabled child up to the age of 16, and by 20 per cent if there are three or more children (or two or more disabled children) of that age.

270. The most important component of the social security system in Belarus is the pension scheme. Pensions play a key role in the material security of the aged and incapacitated. The right to an old-age pension in case of disability, loss of the breadwinner and other circumstances, is set out in Belarusian legislation and guaranteed by the Constitution.

271. A number of legislative instruments governing the payment of pensions are in force in Belarus. These are:

- The Fundamentals of State Social Insurance Act (1995);
  - The Act on the Amounts of Compulsory Insurance Payments to the Social Protection Fund of the Ministry of Social Protection of the Republic of Belarus (1996);
  - The Pensions Act (1992);
  - The Pensions for Members of the Armed Forces and Ordinary and Management Staff of Internal Affairs Bodies Act (1992);
  - The Social Protection of Victims of the Chernobyl Nuclear Power Station Disaster Act (1991);
  - The Fundamentals of Civil Service Act (1993),
- and others.

272. More than 2.6 million persons, or 26 per cent of the population, are currently covered by pension programmes in Belarus, including pensioners of the Ministry of Defence, the State Security Committee and the Ministry of Internal Affairs. All non-active persons permanently resident in Belarus have the right to a pension, including foreign nationals and stateless persons.

273. The pensions of the vast majority of citizens are paid in accordance with the Pensions Act. Under this law, work pensions are paid in cases of old age, disability, loss of the breadwinner, length of service and special services to the State.

274. Persons who were covered by national social insurance when they were working or engaged in other types of activity, and who paid or had paid for them insurance contributions in the cases provided for in the legislation on national social insurance, are entitled to a pension.

275. The cost of work pensions is funded by the current insurance contributions of employers and employees. The insurance rate is 35 per cent of the wage fund for most employers, and 1 per cent of wages for employees. These funds go to the Social Protection Fund of the Ministry of Labour and the Social Protection Fund of the Republic of Belarus. Pension payments account for some 80 per cent of the insurance contributions collected, the remainder being spent in other areas (payment for temporary incapacity, allowances for families bringing up children under the age of 3, etc.). About 8 per cent of GDP is spent annually on work pensions.

276. General old-age pensions are payable to men at the age of 60 after not less than 25 years of work and to women at the age of 55, after not less than 20 years of work. In addition, the legislation provides for more than 20 reasons for payment of supplementary pensions 5-10 years earlier than the statutory pensionable age. The number of persons receiving an old-age pension in Belarus is 1,943,593, including 372,940 receiving supplementary pensions for jobs with particular conditions of work.

277. The maximum old-age pension in November 2001 was of 106,984 roubles for non-working pensioners and 77,658 roubles for working pensioners; the average was 68,106 roubles and the minimum 34,858 roubles. The ratio of maximum to minimum pensions was 3.2:1.

278. The pensions of persons in occupations which led to the loss of their working capacity before they reached the age entitling them to an old-age pension are calculated in accordance with their length of service. This applies to various categories of occupations in aviation, medical and educational workers, artists and sportsmen. There are 12,352 such pensioners in Belarus. In November 2001, their average pension was of 86,6727 roubles.

279. Disability pensions are awarded if disability occurs as a result of an occupational accident or illness, or of a general illness, including disability from childhood. This is irrespective of whether the disabled person is medically certified as being able to engage in income-generating activity.

280. Disabled persons are divided into three groups, depending on the degree of loss of capacity. The number of pensioners receiving disability pensions is 311,314. The average amount of this pension in November 2001 was of 60,023 roubles.

281. The following are entitled to a pension following loss of the breadwinner, provided the conditions laid down in the legislation are complied with:

- Children up to the age of 18, or 23 if students and other non-active dependent members of the deceased person's family - parents, spouses, stepfather, stepmother;
- Persons caring for the children of the deceased up to 8 years of age, etc.

282. The amount of work pension is set in relation to the length of service and the salary from which insurance contributions were paid: the longer the service and the higher the salary, the higher the pension. The replacement coefficient for old-age pensions, calculated according to salary, is between 55 and 75 per cent of the maximum legally established salary that can be used to calculate the pension.

283. To ensure the social protection of pensioners in the face of the rise in the cost of living, Belarusian legislation has established an indexation of work pensions on the basis of the increase in the national average wage, enabling pensioners' income to be increased as the income of the economically active population rises. Pensions are indexed automatically if wages rise by more than 10 per cent.

284. Special pension rules apply to victims of the Chernobyl disaster. Persons who took part in eliminating the consequences of the Chernobyl disaster in 1997-1998 receive old-age pensions 5-10 years before reaching the generally established pensionable age. For most of them, disability is a condition for receiving early pensions. A total of 10,070 persons in Belarus are receiving these pensions. They include a special supplement of between 30 to 50 per cent of the minimum old-age pension, as a result of which the old-age pension for this category is 17.2 per cent higher than the average.

285. Disabled persons and families victims of the Chernobyl disaster are compensated for the loss of the income that they had before the disability or loss of the breadwinner. In addition, disability pensions are supplemented by amounts of between 50 and 100 per cent of the minimum old-age pension. Consequently, average pensions for disability and loss of the breadwinner following the Chernobyl disaster are considerably higher than the usual average. Pensions for disability and loss of the breadwinner resulting from injury or illness caused by the Chernobyl disaster are being paid to 7,105 and 1,276 persons respectively.

286. Specific work is being done within the Belarusian pension system on two basic goals: raising the level of pensions and enhancing pension differentiation based on the pensioner's contributions during his working life. A number of measures have been included in legislation relating to pensions to achieve these goals:

- From 1 September 1998, as a result of changes in the norms applied in the calculation of salary and length of service, the method used to determine entitlement to a pension and its amount in relation to insured persons' contributions to the financing of the pension system has been regularized, a scheme to encourage deferred retirement has been introduced, pensions for the loss of the breadwinner have been increased, etc.;

- From 1 April 1999, pension differentiation has been enhanced for pensioners who had a high salary before retirement. This has made it possible to eliminate levelling in the amount of pensions and to personalize pensions on the basis of the past salary and working conditions;
- From 1 January 2000, the procedure for calculating minimum work pensions has been changed. These are now determined in relation to the minimum subsistence budget and the average wages of manual and white-collar workers in Belarus. This has made it possible to index minimum work pensions in two ways: in relation to changes in the minimum subsistence budget four times a year and to increases in the average wages of manual and white-collar workers;
- From 1 May 2000, greater pension increases have been introduced for disabled and other war veterans and for certain other categories (317,000 persons in all). In addition, minimum disability pensions for disabled war veterans were doubled;
- From 1 April 1999 and 1 July 2001, greater differentiation has been introduced in the amount of pensions for persons engaged in underground and certain types of opencast mining who had a relatively high wage before retirement.

287. Persons who are unable to work and not in receipt of a work pension are entitled to a social pension. A total of 50,900 persons are receiving such pensions in Belarus, the largest groups being disabled children (51.9 per cent) and the disabled from childhood (34.6 per cent). Social pensions in November 2001 averaged 25,665 roubles. These pensions are funded out of the national budget.

288. The following measures have been adopted in the last three years with the aim of ensuring support for the existing level of social pensions, taking into account the possibilities of the national budget:

- From 1 September 1998, social pensions for all categories of recipients have been increased by 50 per cent, and those for disabled war veterans of Group 3 by 20 per cent;
- From 30 April 1999, social pensions for persons with disability established as resulting from injury or illness caused by the Chernobyl disaster, and for children who lost the breadwinner as a result of that disaster, have been increased by an average of 150 per cent;
- From 1 August 1999, the amount of social pensions paid to disabled children has been differentiated in relation to the degree of infirmity. This has made it possible to increase pensions for disabled children with the most severe illnesses by an average of 58.3 per cent;
- From 1 January 2000, social pensions have been increased by an average of 70 per cent. They are recalculated four times each year at the same time as the recalculation of minimum work pensions in relation to changes in the average minimum subsistence budget per head of the population.

289. About 410,000 citizens of Belarus with physical or mental disabilities and registered as disabled are now receiving State assistance and support in the form of financial payments and social concessions.

290. In order to raise the level of social protection of poor people, including recipients of social pensions, targeted social assistance has been provided in Belarus since 1 January 2001. It is directed mainly at the establishment of an effective social protection system for vulnerable families, which for objective reasons, are unable to provide for themselves independently and need State support.

291. Social assistance is provided to more than 130,000 persons annually. More than 94 per cent of all resources go to families with several children and single-parent families bringing up under-age children. Statistics show that these represent the sections of the population that are most in need.

292. Expenditure on various social programmes in Belarus, excluding expenditures on education and health, now amounts to 390 billion roubles per annum, or 14 per cent of GDP.

293. Work is continuing on defining approaches to the reform of the pension system and adapting it to modern conditions. Two key aims of the current pension policy are to increase pensions and to strengthen the insurance basis of the pensions system. Among the urgent problems in the pensions system, mention should be made of the overload caused by the high proportion of non-insurance payments and the growing demographic load.

294. The reform of the Belarusian national pensions system is being planned in two main directions: (1) its optimization, aimed chiefly at strengthening its insurance basis; (2) the creation of a multi-tier system, including various forms of pensions and pension provision. To this end, it is planned to carry out the following priority measures:

- Restriction of insurance and non-insurance payments and the sources of their financing;
- Up-to-date determination of pension insurance tariffs and their separation from the general tariffs;
- Improvement of the pension formula and making the amount of the pension more dependent on the total insurance payments made;
- Extension of compulsory pension insurance to individual entrepreneurs and the self-employed;
- Reduction of the list of “credit” periods included in the length of service when calculating work pensions without insurance contributions;
- Transfer of pension accounting to the Social Protection Fund.

295. The Individual (Personalized) Accounting from the State Social Insurance System Act has been adopted and is being implemented, with a view to adapting the national pension system to modern conditions and creating a multi-tier pension system.

296. Measures aimed at establishing a system of supplementary non-State insurance are being planned. This will not only substantially ease the burden on the weakened State insurance system, but will also allow for more flexibility in the insurance of occupational hazards and in providing additional possibilities and incentives to ensure a higher standard of living at the end of one's working life.

297. Local executive and administrative bodies provide significant assistance in kind to families with several children out of local budgets (provision of wood, coal, vegetables, etc.). In addition to the material support provided by the State, families with children receive additional assistance from non-governmental organizations. In general, this is humanitarian assistance given in kind (clothing, foodstuffs, medical equipment, medicines, etc.), provided on application. Non-governmental organizations are also involved in family and child health, organization of leisure, etc.

298. The basic criterion for the provision of social assistance is the poverty of the family or individual, irrespective of affiliation or gender. Monthly State allowances for families with children over three years of age, targeted social assistance, free children's meals for the first two years of life, and other concessions and payments are provided in relation to the total income per head of the family.

**(v) The right to education and vocational training**

299. Equality in the right of representatives of various ethnic groups to receive education and vocational training in Belarus is ensured in legislation and in practice (Education Act, art. 3).

300. The Constitution provides that everyone has the right to use his/her native language and to choose the language of communication; in accordance with the law, the State guarantees the freedom to choose the language of education and teaching. Particular mention should be made of the right to study and to use the native language.

301. According to the 1999 census, 82 per cent of the population named the language of their ethnic group as their national language. Forty-five per cent of the population speak the language of their ethnic group at home.

302. Article 6 of the Education Act provides that in areas where there is a concentration of citizens of a particular ethnic group, teaching in educational or training establishments shall be in the language of that group, and schools, groups or classes using that language for education or training may be organized.

303. Under article 2 of the Languages Act, the Belarusian State takes care to ensure the free development and use of all national languages used by the population. At the same time, Belarusian legislation does not regulate the use of national languages in unofficial relations.

Article 3 stipulates that citizens of the Republic of Belarus have the right to use their national language. They also have the right to communicate with State bodies, bodies of local government and self-government, enterprises, establishments, organizations and public associations in Belarusian, Russian or another language acceptable to the parties. Article 6 provides that any privileges or restrictions of individual rights on language grounds are prohibited, and public insult to or defamation of the State and other national languages, creation of obstacles to and restrictions of their use, and advocacy of hostility on language grounds are punishable by law.

304. Under article 7, the acts of bodies of local government and self-government are adopted and where necessary published in the national language of the majority of the population of a particular locality. Articles 11, 13, 14, 15 and 18 stipulate that any languages may, where necessary, be used in meetings, conferences and other forums, services, legal proceedings and legal assistance.

305. Under article 21, representatives of all ethnic groups living in Belarus have the right to training and education in their national language. Under articles 22 and 23, children's pre-school establishments or individual groups, and general education schools or classes, in which education and training take place in the language of an ethnic minority or that language can be studied, may be established.

306. Representatives of a number of ethnic groups living in Belarus make active use of this right. Except official languages, the legislation does not regulate the use of any languages in unofficial relations and there are no restrictions on their use. Article 26 of the Languages Act also guarantees the preservation and development of culture in the languages of other peoples represented in Belarus.

307. In State educational and training establishments, in accordance with the wishes of the parents of students or their representatives, arrangements can be made for the study of a number of languages of ethnic minorities and general education in these languages. Based on general education schools and adult-education institutes, clubs and libraries under the auspices of the Ministry of Education and the Ministry of Culture, schools, classes, faculties and circles have been established for teaching in the national language and studying the history and culture of ethnic communities.

308. In the 2002/03 academic year, more than 20,000 persons were studying Polish, 1,500 Hebrew, 400 Lithuanian and 70 persons Tatar. There are two Polish-language and two Lithuanian-language schools, and more than 50 schools, at which about 3,500 members of ethnic communities (Armenians, Georgians, Greeks, Koreans, Latvians and Ukrainians) study their national languages on days off.

309. Educational establishments with an ethnic and cultural component receive textbooks and grants to study the languages and literature of ethnic minorities and are financed partly by the Ministry of Education and partly by the countries of origin (Poland, Lithuania, Latvia, Ukraine, Armenia, Korea, etc.). Training of senior staff for these schools is carried out at higher educational establishments.

310. The main difficulties that arise in securing this right are the lack of senior qualified teaching staff, textbooks and teaching materials, mainly as a result of the absence of such activities until the early 1990s. To a large extent, ethnic groups in Belarus are overwhelmingly steeped in Belarusian or Russian culture and consider Belarusian or Russian to be their native language, so that education in the languages of ethnic minorities comes up against such difficulties as poor pass rates and inadequate acquisition of knowledge in an unfamiliar language, lacking the practise of these languages in everyday life. The process of a real revival of ethnic minority languages is a long one, but with time, these difficulties will be overcome.

311. The educational system of the Republic of Belarus is non-discriminatory in nature. In accordance with the Constitution and the Education Act, women are guaranteed and ensured in practice equal opportunities with men in access to education and vocational training, education and non-formal education. The law provides that everyone has the right to education, and guarantees universal access to free general secondary and vocational and technical education and, on a competitive basis, specialized secondary and higher education. Foreign nationals and stateless persons permanently resident in Belarus have the same rights to education as Belarusian citizens, unless otherwise specified by the laws and international agreements of the Republic of Belarus.

312. The right of citizens to education is ensured by the development of a network of educational institutions, the existence of various forms of education and types of educational institutions and the creation of socio-economic conditions which make it possible to obtain free education in State educational institutions and partial or full financing from national and/or local budgets of the living expenses of students who need social assistance during their studies. The availability of education taking into account ethnic traditions and also the individual requirements, abilities and needs of students, the provision of work-study opportunities, as well as access to education and social adaptation for persons with mental and physical handicaps are other important features of the right to education in Belarus.

313. Belarusian legislation guarantees access to education regardless of race, ethnic origin, language, gender, age, state of health, social, property or official status, social origin, place of residence, attitude to religion, beliefs or party affiliation.

314. In recent years, there have been structural and qualitative changes in the educational system which are fully in line with international educational processes and which reflect the changes and prospects in the nation and take into account the basic provisions of the international instruments on population, non-discrimination of women, non-violence, human rights and the rights of the child to which Belarus has acceded. This also applies to the Convention on the Elimination of All Forms of Racial Discrimination.

315. State educational policy aims to ensure equal access to education, achievement of the principle of social justice in access to education, and enhancement of its quality.

316. The educational system of the Republic of Belarus comprises 9,357 pre-school, primary, basic, general secondary and vocational and technical educational establishments, 150 specialized secondary and 55 higher education institutions, as well as 377 institutions for refresher training and retraining of specialists.



317. As at 5 September 2002, teaching was in Belarusian in 2,621 general education schools (60.5 per cent of the total), in Russian in 1,294 schools (29.9 per cent of the total), in two or more languages in 417 schools (9.6 per cent of the total), in Polish in two schools and in Lithuanian in two schools.

318. As at the same date, 285,835 children (20.6 per cent of the total number of pupils in daytime general education schools) were being taught in Belarusian, 796,585 (57.5 per cent) in Russian, and 301,983 (21.8 per cent) in both languages.

319. As at 1 September 2002, vocational training was being provided by 245 vocational and technical educational establishments, at which 132,600 students were being trained in 350 trades. Of these, 237 institutes are run by the Ministry of Education, with an enrolment of 128,100 students.

320. At the beginning of the 2002/03 academic year, there were 147 State-owned and 7 private specialized secondary educational establishments in Belarus. The former included 32 technical colleges, 73 colleges and 42 training centres. A total of 156,310 students are enrolled in specialized secondary educational establishments.

321. At the beginning of the 2002/03 academic year there were 44 State-owned institutes of higher education in Belarus, of which 28 universities, 8 academies, 2 institutes, 5 higher colleges and 1 higher training centre. There were also 14 private institutes. The total enrolment in State-owned institutes of higher education is 272,918 students, of which 152,601 are taught in Russian, 7,407 in Belarusian and 112,810 in both languages.

322. At the beginning of the 2002/03 academic year, 47,831 students were enrolled in private institutes of higher education, of which 47,345 were being taught in Russian.

323. The Republic of Belarus, its governmental bodies and non-governmental organizations consider their most important political and social task the unconditional implementation of the Plan of Action for the United Nations Decade for Human Rights Education, the Vienna Declaration and Programme of Action, the Ministerial Declaration of the forty-fourth session of the International Conference on Education and the other main United Nations and UNESCO documents on education, in a spirit of peace, human rights, democracy, mutual understanding and tolerance among peoples. In accordance with the National Plan of Action for the Protection of the Rights of the Child for the period 1995-2000, a special 10-hour course entitled "The rights of the child" has been introduced in all educational establishments (general education schools, high-schools, vocational and technical training centres, specialized secondary schools, higher teacher-training establishments, law schools and higher institutes for educational specialists). In 1998, the fiftieth anniversary of the Universal Declaration of Human Rights, a new special course entitled "Human rights" was introduced in all types of educational establishments.

324. In 2000, the Ministry of Education created a new curriculum for the "Human rights" uniform special course for all types of educational establishments. It consists of three modules: the rights of the child, human rights, and international humanitarian law. Instruction in human

rights and democracy begins in elementary school, where the rights of the child are studied as part of the subject “Man and the world”, and continues in basic school. Systematic study of human rights, the principles of democracy and international humanitarian law begins in general education school, in ninth grade, as part of the “Man, Society, the State” programme. The content and structure of human rights instruction in specialized secondary and higher educational establishments has also been defined. A special 36-hour course entitled “Human rights” has been developed for students at higher educational establishments. In addition, special courses entitled “The rights of the child” (24 hours) and “International humanitarian law” (20 hours) have been developed for the professional training of future teachers and lawyers. The main requirements for students in social and humanitarian disciplines have also been defined. In accordance with the National Plan for the Development of Education in Human Rights for the Period 2000-2004, testing of knowledge of human rights was introduced for the first time for students of higher educational establishments. The National State Inspectorate for the Educational System has examined the teaching of the special course entitled “Human rights” in 16 institutes of higher education, and tests were made in 9 of them to assess the students’ knowledge. The tests were taken by 779 students, of whom 70 per cent were graded “excellent” or “good”, and 29.9 per cent “satisfactory”.

325. The Ministry of Education, in conjunction with the Belarusian Red Cross, held a national seminar for teachers in charge of the subjects “Man, Society, the State” and “Principles of the law of the Republic of Belarus” in general education schools, high-schools, vocational and technical training centres and specialized secondary schools which had been classified, in accordance with Ministry of Education order No. 343 of 25 July 2002, as experimental units for the 2001/02 academic year on the problem of “The teaching of human rights, principles of democracy and international humanitarian law”. A teaching guide entitled “Intercultural education in the school”, by V.V. Velichko, A.V. Dergach, D.V. Karpievich and O.M. Savchik, has been published.

326. In order to promote awareness of the texts of the main United Nations and UNESCO documents on education in the interests of peace, human rights, mutual understanding and tolerance among peoples, a compendium of recommendations on human rights and humanistic and international upbringing was published in 1997. The text of the Universal Declaration of Human Rights was published in 400,000 copies in 1998. That of the Convention on the Rights of the Child was published in Belarusian in a variety of periodicals, totalling 300,000 copies in 1999. The main United Nations and UNESCO documents on human rights education were published in 1999 in a large 130-page collection of international legal instruments entitled “Human rights”. In 2000, a number of United Nations and UNESCO documents on education in human rights were reprinted in a teaching guide entitled “Human rights”, intended for teachers in general education, vocational and technical and specialized secondary schools. The revised text of the Rights of the Child Act has been published in periodicals and educational literature. Teaching guides entitled “Human rights” and “Rights of the child: theory and practice” have been published and distributed in 16,000 copies to educational establishments of all types. A compilation entitled “International humanitarian law for schoolchildren” and a teaching guide entitled “Studying international humanitarian law” have been compiled and prepared for publication. A compilation on problems relating to human rights and to the rights of the child is in preparation.

327. The following national reports have been prepared and distributed: “Education in a spirit of peace, human rights, democracy, international understanding and tolerance”, “The status of children in the Republic of Belarus in 1999”, “The status of children in the Republic of Belarus in 2000”, “The status of children in the Republic of Belarus in 2001” and “The status of students in the Republic of Belarus”.

**(vi) The right to equal participation in cultural activities**

328. Under article 5 of the Act on National Minorities, Belarus guarantees citizens regarding themselves as belonging to ethnic minorities equal political, economic and social rights and freedoms. Belarusian legislation provides for the equality of persons belonging to ethnic minorities, irrespective of their length of residence. In this connection, the rights of representatives of the Belarusian, Russian, Polish, Tatar or other peoples, which have been living in Belarus for many centuries, are no different from those of the migrants of recent years.

329. The procedure for establishing ethnic cultural associations is that laid down for all public associations in the Public Associations Act. There are no obstacles to the participation of citizens or foreign nationals in the activities of ethnic cultural associations in Belarus. The public cultural and ethnic associations and their activities are described in paragraphs 138 to 140 above.

330. In the absence of any special regulations in the matter, the right to establish cultural ties with compatriots abroad in the activities of ethnic cultural associations and Belarusian State bodies is interpreted broadly in Belarusian laws governing the mutual relations between public associations operating in Belarus and legal and physical persons abroad. These ties are maintained in accordance with article 30 of the Public Associations Act, which provides that public associations may, in accordance with their statutes, join international public associations, take part in the establishment of international federations of public associations, maintain direct international contacts and ties, conclude relevant agreements and take other steps that are not contrary to the laws of the Republic of Belarus and its international obligations.

331. Under the Culture Act, the declared aim of the State is the revival and development of Belarusian national culture and of the cultures of ethnic communities in Belarus as an integral part of universal culture. Article 3 proclaims the right of all ethnic communities to unfettered cultural activity in the territory of the Republic of Belarus. Under article 10, persons belonging to any national or ethnic group who are resident in Belarus are guaranteed the right to develop their culture and language, establish ethnic schools and cultural enterprises and institutions (theatres, museums, publishing houses, etc.) and to establish cultural associations, societies, cultural and educational partnerships and communities, and ethnic cultural centres.

332. Article 7 of the Act on National Minorities stipulates that the State promotes the creation of material conditions for the development of the education and cultures of ethnic minorities by allocating the necessary funds from the State and local budgets without being deducted from the overall education budget.

333. The cultural activities of ethnic cultural associations are specially funded, on a competitive basis, from State and local budgets. Local budgets finance the development of amateur and professional art and provide grants for the activities of cultural institutions established by ethnic cultural associations. It should be noted that, because of certain economic difficulties, the funds allocated from State and local budgets to the cultural activities of ethnic cultural associations are insufficient to satisfy demand.

334. A well-ordered social and psychological climate for members of ethnic communities makes it possible for them to effectively satisfy their interests and needs. The minimum conditions necessary for the preservation and development of the cultures of ethnic minorities and the activities of their cultural and educational organizations and institutions have been established in Belarus.

335. The experience of State support for ethnic and cultural groups acquired in recent years is reflected in the holding of nationwide festivals of ethnic cultures. The concluding events of the festivals held in 1996 and 1998 in Grodno were significant landmarks in Belarusian spiritual and cultural life. The festivals embodied in clear form the principal idea - to show the uniqueness of the ethnic groups living in Belarus, their cultural values and achievements in the revival and development of their artistic and historical ancestral heritage. The third all-Belarus festival of ethnic cultures, held in June 2000, was an important event in national cultural life marking the third millennium. More than 1,000 participants represented the original art of 16 ethnic groups, demonstrating the growth in the artistic skill, friendship and unity of the peoples of Belarus. The concluding events of the fourth all-Belarus festival of ethnic cultures, in which representatives of 21 ethnic minorities took part, were held in Grodno in June 2001.

**(vii) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks**

336. The Act on National Minorities, which is based on the Constitution, the Declaration of the Supreme Council on State sovereignty, and the principles of international law in the sphere of human rights and ethnic minorities, establishes the legal basis for inter-ethnic relations, guarantees the free development of ethnic minorities in Belarus and is intended to further the harmonization of inter-ethnic relations, the preservation and development of the cultures of ethnic minorities and the satisfaction of their legitimate rights and interests. Under article 3, any direct or indirect restriction of the rights and freedoms of citizens on grounds of their affiliation to an ethnic minority, and attempts to assimilate them against their will, are prohibited.

**Article 6**

337. The Republic of Belarus extends the necessary protection and protective instruments to every citizen under its jurisdiction through juridical bodies and other State institutions in the event of any acts of racial discrimination that violate his or her rights and fundamental freedoms, as well as the right to bring a court action for just and adequate compensation or satisfaction for the damage caused as a result of the acts of discrimination.

338. Under article 60, paragraph 1, of the Constitution, “everyone shall be guaranteed protection of his rights and freedoms by a competent, independent, and impartial court of law within the time periods specified in law”. The Constitution also provides that “to defend their rights, freedoms, honour and dignity, citizens shall be entitled to recover, through the courts, both property damage and financial compensation for moral damage”.

339. Article 22 of the Constitution states: “All shall be equal before the law and entitled, without discrimination, to equal protection of their rights and legitimate interests.” Article 14, paragraph 1, provides that the State regulates relations among social, ethnic, and other communities on the basis of the principles of equality before the law and respect for their rights and interests.

340. In addition, under article 11 of the Constitution, foreign nationals and stateless persons in the territory of the Republic also enjoy the same rights and freedoms and fulfil the same obligations as citizens of the Republic of Belarus, unless otherwise provided in the Constitution, laws and international agreements.

341. The provisions of article 23, paragraph 1, of the Constitution permit the restriction of rights and freedoms only in the cases specified by law, in the interest of national security, public order, or the protection of the morals and health of the population and the rights and freedoms of other persons, and “everyone shall respect the dignity, rights, freedoms and legitimate interests of others” (art. 53).

342. Furthermore, the Constitution provides that “the State shall take all measures at its disposal to create the domestic and international order necessary for the exercise in full of the rights and freedoms of the citizens of the Republic of Belarus that are specified in the Constitution. State bodies and official and other persons entrusted with the discharge of State functions shall, within the limits of their competence, take measures necessary for the exercise and protection of personal rights and freedoms. These bodies and persons shall be held liable for actions that violate personal rights and freedoms” (art. 59, paras. 1-3).

343. It is important to note the principle set out in article 61 of the Constitution, which states that “everyone shall have the right, in accordance with the international instruments ratified by the Republic of Belarus, to apply to international organizations in order to defend their rights, provided that all available domestic means of legal protection have been exhausted”.

344. The Constitution enshrines the right of everyone to legal assistance to exercise and defend his rights and liberties, including the right to make use, at any time, of the assistance of lawyers and other representatives in court, other State bodies, bodies of local government, enterprises, establishments, organizations and public associations, and also in relations with officials and citizens. In the instances specified by law, legal assistance shall be rendered from public funds (art. 62). In addition, opposition to the rendering of legal assistance is prohibited in the Republic of Belarus (art. 62, paras. 1-2).

345. Thus, in the event of an infringement of constitutional rights, article 60 of the Constitution guarantees everyone protection of his rights and freedoms by a competent, independent, and impartial court of law within the time periods specified in law. These provisions of the Constitution are developed in other statutory legal instruments.

346. Both the Criminal Code (art. 3) and the Code of Criminal Procedure (art. 20) guarantee the equality of citizens before the law and equality in the protection of their rights and legitimate interests irrespective of gender, race, ethnic affiliation, language, origin, property or official status, place of residence, attitude to religion, beliefs, membership of public associations, or other circumstances. For example, article 20, paragraph 2, of the Code of Criminal Procedure provides that criminal proceedings are held on the basis of the equality of citizens before the law irrespective of their origin, social, official or property status, racial or ethnic affiliation, political or other beliefs, attitude to religion, gender, education, language, type and nature of occupation, place of residence or other circumstances.

347. As concerns the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the fourteenth periodic report on the right to seek just and adequate reparation or satisfaction from the courts for any damage, see paragraph 125 above.

348. Standards aimed at protecting individuals against manifestations of any kind of discrimination are also included in many other laws. In particular, article 14 of the Labour Code, which entered into force on 21 January 2000, aims at eradicating discrimination in labour relations. This article states that “discrimination, that is, restriction of employment rights or the acquisition of any privileges on grounds of gender, race, ethnic origin, language, religious or political beliefs, participation or non-participation in trade unions or other public associations, property or professional status, or physical or mental disabilities that do not prevent the discharge of employment functions, shall be prohibited. Discriminatory conditions in collective contracts and agreements shall be null and void”.

349. Thus, the legislation in force affords sufficient protection for all individuals resident in Belarus against all forms of racial discrimination. At the same time, it should be pointed out that no court cases relating to compensation for material or moral damage resulting from acts of discrimination were recorded in the reporting period.

#### **Article 7**

350. Article 59 of the Constitution provides that the State shall take all measures at its disposal to create the domestic and international order necessary for the exercise in full of the rights and freedoms of the citizens of the Republic of Belarus that are specified in the Constitution:

“State bodies and official and other persons entrusted with the discharge of State functions shall, within the limits of their competence, take measures necessary for the exercise and protection of personal rights and freedoms. These bodies and persons shall be held liable for actions that violate personal rights and freedoms” (art. 59, paras. 2-3).

351. It is stated, in the preamble to the Act on National Minorities, that the ethnic policy of Belarus is based on the principles of international law in the sphere of human rights and ethnic minorities and is intended to promote the harmonization of inter-ethnic relations in Belarus, the preservation and development of the cultures of ethnic minorities and the fulfilment of their legitimate rights and interests.

352. Belarusian society has maintained its multi-ethnic character, which corresponds to current trends in the development of any modern society, and the policy of Belarus is directed at the maintenance and strengthening of this situation as a guarantee of social stability. The ethnic policy of Belarus is based on an understanding of the Belarusian nation principally as a fellowship of citizens rather than an ethnic community, and is not directed at increasing the number of areas of social life in which the factor of nationality may be significant. Priority in the work of the relevant Belarusian State bodies is accorded to inter-cultural projects, programmes and measures designed to establish and enhance inter-ethnic dialogue. The Belarusian authorities strive to ensure optimal conditions for the preservation and development of the language and culture of all ethnic groups represented in Belarus.

353. The State Committee for Religious and Ethnic Affairs of the Republic of Belarus was set up in January 1997. It became the State Committee for Religious and Ethnic Affairs of the Council of Ministers of the Republic of Belarus in November 2000. Corresponding structures (subdepartments) have been established in regional executive committees and the Minsk executive committee. With the participation of the national bodies of State administration concerned, and in conjunction with the public associations concerned, work is proceeding on publicizing ideas of tolerance, forbearance and friendship among peoples, and the Committee is monitoring ethnic and religious processes and doing instructional and methodological work with officials of law enforcement agencies and educators, and carrying out a number of other measures. The role and functions of the Coordinating Council for Ethnic Community Affairs and of the other advisory bodies with similar functions are described in paragraphs 118 to 120 above. State bodies, especially local ones, have developed stable forms and methods for working with associations of ethnic minorities. Joint measures are taken to satisfy their requests and the necessary assistance is provided in their statutory activities. Priority has been given to measures and projects aimed at developing traditions of inter-ethnic cooperation and harmony. Among the most important measures in the ethnic sphere in 2002 mention should be made of the concluding events of the fourth all-Belarus festival of ethnic cultures, the nationwide festival of Ukrainian culture, the international Belarusian-Polish conference "The way to reciprocity", the Ethnic Cultures Days in Mogilev and a number of other events. The amount of funding and other forms of support for these activities from national and local bodies of State administration was higher than in 2001.

354. Special attention was devoted in 2002 to inter-ethnic relations and encouraging tolerance and respect for peoples of various ethnic groups. An important aspect of the work of the Committee on Religious and Ethnic Affairs was the provision of support for the initiatives of educational establishments intended to have a proactive effect on children's and young persons' views on this subject. The Ministry of Education, together with the National Educational Institute, has carried out a nationwide project on intercultural (multi-ethnic) teaching. Pupils in the senior classes of various general education schools used the project-based method to study the history, traditions and culture of ethnic minorities in Belarus, their mutual influence and their links with traditional Belarusian culture. The project involved the preparation of family genealogies, the study of place names, the preparation of regional demographic maps, etc. It was noted that young people were interested in these subjects. Material on the results of the project was prepared for publication in 2002. The Committee for Religious and Ethnic Affairs plans to continue its support for further stages of this project, which is intended to encourage young people to reject aggression, violence and discrimination on ethnic grounds.

355. With the support of the United Nations office in Belarus, the Committee on Religious and Ethnic Affairs has published and distributed free of charge to all those interested a new compilation of international and national documents relating to protection of the rights of members of ethnic minorities in Belarus.

356. Under the Culture Act, the declared aim of the State is the revival and development of Belarusian national culture and of the cultures of ethnic communities in Belarus as an integral part of universal culture. Article 3 of the Act proclaims the right of all ethnic communities to unfettered cultural activity in the territory of the Republic of Belarus. Under article 10, persons belonging to any national or ethnic group who are resident in Belarus are guaranteed the right to develop their culture and language, establish ethnic schools and cultural enterprises and institutions (theatres, museums, publishing houses, etc.) and to establish cultural associations, societies, cultural and educational partnerships and communities, and ethnic cultural centres.

357. Belarusian legislation guarantees access to education regardless of race, ethnic origin, language, gender, age, state of health, social, property or official status, social origin, place of residence, attitude to religion, beliefs or party affiliation.

358. The State considers the system of mass information media as the basis for the exercise of the constitutional right of Belarusian citizens to freedom of speech and information and an important integral part of national culture, and it determines the measures aimed at ensuring economic support for the mass media in the Press and Other Mass Media Act (art. 3). Citizens of Belarus have the right to obtain, in a timely and operational manner, reliable information on the activities of State bodies and public associations, on political, economic and international life, and on the state of the economy (art. 32).

359. In paragraph 1 of its resolution No. 344 of 16 March 2000, the Council of Ministers approved an integrated system of social protection for the population of the Republic of Belarus in the period 2000-2005.

360. Presidential Decree No. 266 of 15 May 2001 approved a State programme to strengthen the campaign against criminality for the period 2001-2003.

361. In accordance with General Assembly resolution 49/184 on the United Nations Decade for Human Rights Education, and with the aim of furthering the development of human rights education in Belarus, the Council of Ministers of the Republic of Belarus approved the National Plan for the Development of Human Rights Education for 1994-2004.

362. For the educational programmes and activities undertaken in the field of human rights education, see paragraphs 323 to 327 above.

363. The following events were held on problems of the protection of the interests of children: the National Children's Forum "Making a better world for children together with children", meetings between children's leaders and directors of local executive and administrative bodies, the international conference "Foster parents for the rights and happiness of children", the relay



race on the roads of Belarus run under the slogan “Protecting the rights of children”, the school for children’s leaders based on the Zubrenok national health camp, and the national essay, poetry and song competition for young artists held under the slogan “Our participation in the Global Movement for Children”. Round tables were also held, entitled “The institution of children’s representative: the need for, and problems of, its consolidation” and “Children deprived of their liberty: problems in the protection of their rights”. The campaigns “Our children” and “Attention and care for children of disadvantaged families” held during the year were aimed at protecting the rights of particular categories of children, while the campaign “Children and labour” supported children unable to compete in the labour market on equal terms.

364. Various aspects of education and teaching on human rights and gender problems are built in to the skills improvement and retraining of teachers of social science subjects, the principles of social and humanitarian subjects and socio-political sciences, and of social educators whose functions include explaining human rights, the rights of the child and women’s rights to children and young people and instructing and advising them on gender issues. More than 220 such specialists were trained in 2001-2002. Courses on gender issues are included in the curricula of the Belarusian State University, the women’s non-governmental institute Envila, the European Humanitarian University and other establishments.

365. Under article 8 of the Constitution, the Republic of Belarus recognizes the supremacy of the universally acknowledged principles of international law and ensures that its laws comply with those principles. Instruction in the principles and rules enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination therefore forms a compulsory part of the training and skills improvement of court personnel, officials of law enforcement agencies, educators and social workers. It includes the study and application of the provisions of the Constitution and the international obligations of Belarus, including the Convention.

366. For example, staff are appointed to educational institutes of the Ministry of Education on the basis of impartiality, achieved through the absence of any restrictions on grounds of racial, ethnic or religious affiliation, and also because school-leavers can choose the language in which they take their entrance examinations. This is ensured by the implementation of the provisions not only of the Convention on the Elimination of All Forms of Racial Discrimination but also of a number of other international and domestic instruments.

367. Those taking courses and other groups, studying in the spirit of deep respect for the individual, and his/her honour and dignity, are taught independently of ethnic or racial origin. This is reflected above all in the inclusion in curricula of issues relating to the observance of human rights.

368. Cooperation between State bodies and non-governmental organizations in the protection of children’s rights and interests, and the activities of public associations working for the protection of the right of the child, such as the Belarusian Children’s Fund, the “From us to children” Belarusian Fund for the Social Support of Children and Youth, the Belarusian Association of UNESCO Clubs and others, have intensified noticeably in recent years. For

instance, in April 2001 the public association “Stop violence against children” held a campaign entitled “April: prevent violence against children month”, during which an appeal was made to State authorities, public associations and Belarusian citizens to intensify their activities to prevent violence against children.

369. The activities of children’s public associations are aimed at the development and implementation of children’s initiatives, the creation of conditions for sound individual development and the adaptation of children to life in society, on the basis of social responsibility, civic pride and moral and spiritual guideposts.

370. The largest children’s public associations continue to be the Belarusian National Pioneers Organization (289,400 members), the Belarusian National Scouts Association (7,500 members, 98 organizations) and the Association of Belarusian Guides (1,200 members).

371. The project entitled “Global Movement for Children”, which Belarus has joined, offers real possibilities for children to take initiatives, participate in decision-making and share responsibility with adults. The Children of Belarus Forum “Making a better world for children together with children”, at which the leaders and activists of all children’s public associations were represented, was held in 2001 as part of this Movement.

372. The Physical Culture and Sports Act affords all citizens equal rights to engage in physical culture and sport, to create athletic associations and sports clubs and associations, to engage in professional sports and in commercial and entrepreneurial activities providing services to athletic and sports organizations and individuals, and to produce goods and use physical culture and advertising relating to physical culture and sports. Discrimination on grounds of sex, ethnicity, race or religion is prohibited.

373. More than 15 ethnic groups are represented in national sports teams of the Republic of Belarus. They include, for example, the champions and Olympic medallists Yanina Korolchik (Belarusian), Ellina Zvereva and Anatoli Laryukov (Russians), and Alexei Aidarov (Tatar), and the Graeco-Roman wrestling coach, Kamandar Madzhidov (Azerbaijani). Belarusian sports federations are headed by A. Medvedev (Ukrainian, wrestling), I. Umerov (Uzbek, weightlifting), V. Yaleyav (Tatar, equestrianism) and V. Shanyukevich (Jewish, table tennis).

374. In 2000-2002, 20 young sportsmen who had formerly been citizens of Russia, Ukraine, Tajikistan and Armenia received Belarusian citizenship under the Citizenship Act, and they are now successfully representing Belarus in the international sports arena. The gymnasts E. Tkachenko and S. Rudalova and the freestyle swimmer A. Tsuper (Ukrainian), the biathlete R. Valiullin (Tatar), the tennis player V. Akopyan (Armenian), the wrestler A. Selimov (Dagestani) and 24 further sportsmen who had expressed the desire to compete for Belarus have received a residence visa and are now undergoing procedures for acquiring Belarusian citizenship.

375. An example of the implementation of the provisions of the Convention on the Elimination of All Forms of Racial Discrimination is the teaching of foreign students and postgraduates at sports academies. Students from 12 countries, including China, Cyprus, Egypt,

Ethiopia, Kazakhstan, Lebanon, Lithuania, the Russian Federation, Tunisia, Turkmenistan and other countries, attend the Belarusian State Sports Academy. Foreign citizens are admitted to the academy in accordance with Council of Ministers resolution No. 1171 of 29 August 2002. The teaching of foreign students is regarded by the management of the academy as an important element in the inter-ethnic education of students.

376. A databank has been established in the academy of all foreign students, including their interests, problems and specific requests, and a handbook/guidebook has been prepared in English and Russian in order to ease the process of their adaptation to new circumstances.

377. Organizational, cultural and sporting events, in which foreign students take part, are held. The academy provides students with comfortable accommodation for the duration of their studies. An introduction programme has been prepared to familiarize foreign students with the conditions of their stay in Belarus, including on laws, registration, completion of entry and exit documents, etc.

378. Under the Culture Act of 4 June 1991, State cultural policy is based on recognition of culture as one of the principal factors in the uniqueness of the Belarusian people and other ethnic communities living in Belarus. One of the main aims of cultural policy is to ensure and protect the constitutional right of everyone to cultural life. This law also prohibits the dissemination of works containing propaganda for racial, ethnic or religious hostility.

379. The National Centre for Ethnic Cultures was opened in 1995 under the auspices of the Ministry of Culture to coordinate activities for the development and support of cultures of ethnic minorities living in Belarus. The Centre cooperates closely with the Belarusian State Institute for Cultural Problems, which holds seminars attended by directors of cultural bodies and institutions aimed at determining the fundamental principles of cooperation between these institutions and ethnic cultural and educational associations. The Centre also cooperates with the Committee on Religious and Ethnic Affairs of the Council of Ministers, the diplomatic corps in Minsk and regional cultural administrations.

380. The Council of Ethnic Cultural and Educational Associations which depends on the Centre, has an archive of documents on ethnic associations in Belarus and a library of recordings of works of ethnic minorities.

381. The principles of equality of cultures and respect for cultural diversity are upheld in Belarus. The activities of ethnic social organizations include a great number of cultural, informational, educational and charitable programmes and measures, most of which are supported by State bodies.

382. The most important and significant inter-ethnic event is the all-Belarus festival of ethnic cultures, the concluding events of which have been held every other year in Grodno since 1996. Since its inauguration, the festival has become the symbol of the unity of the nations and peoples living in Belarus and of the richness and diversity of ethnic culture and inter-ethnic friendship and peace in the country.

383. The concluding events of the festivals of 1996 and 1998 became significant landmarks in the spiritual and cultural life of Belarus. The festivals embodied in clear form the principal idea - to show the uniqueness of the ethnic groups living in Belarus, their cultural values and achievements in the revival and development of their artistic and historical ancestral heritage. The third all-Belarus festival of ethnic cultures, held in June 2000, was an important event in national cultural life marking the third millennium. More than 1,000 participants represented the original art of 16 ethnic groups, demonstrating the growth in the artistic skill, friendship and unity of the peoples of Belarus.

384. The concluding events of the fourth all-Belarus festival of ethnic cultures were held in Grodno in June 2002, with the participation of 700 persons, 21 representing ethnic groups, and more than 1,000 guests from Belarus and other countries. The event was covered by 93 journalists. The festival demonstrated in clear artistic form to Belarusian and international society the practical implementation of the State policy of supporting representatives of ethnic minorities and developing the century-old traditions of tolerance of the Belarusian people.

385. The leaders of ethnic cultural and educational associations and creative delegations of ethnic communities were invited to a gala concert. The concluding events of the festival also received the active support of the UNHCR office in Belarus. Artistic groups of Georgian and Afghan refugees took part in the festival for the first time.

386. By comparison with the previous ones, this festival was notable for the greater geographical and representational diversity of the participants. In the preparation and holding of the festival events, district, urban and regional cultural bodies and institutions were encouraged to organize people's friendship evenings and support the inclusion of songs, music, dances and shows of various peoples, above all those living side by side, in the repertoire of groups performing at the festival.

387. The creative groups of public associations of ethnic minorities have become permanent participants in all festivals held in the regions. The regional festivals of ethnic cultures in Brest, Miori, Gomel, Grodno, Molodechno and Mogilev, and the urban festivals *Yadnanne*, *Traetski Kirmash* and *Sonechny Ptakh* in Minsk, were all imbued with an atmosphere of sincere mutual respect.

388. Celebrations of ethnic cultures, held with the assistance of State bodies, are numerous - Pushkin Days, the Hebrew book festival and other ethnic Jewish festivals, Mindovg Day, the Shevchenko reading, Catholic Christmas and Easter, Estonian and Tatar national festivals, and others. Polish song festivals in Lida and Slonim, festivals of art by Belarusian Ukrainians in Brest and Minsk, and Jewish song festivals in Gomel, Bobruisk and Minsk were held in 2002 with the support of State bodies, and there were widespread celebrations of the six hundredth anniversary of the founding of Muslim Tatar communities in Belarus, Poland and Lithuania, during which the first stone was laid for the construction of a new mosque in Minsk.

389. Public associations of ethnic minorities celebrated commemorative dates in 2002, associated with outstanding representatives of ethnic cultures. The Russian community, together with the M. Tanka State Pedagogical University and the Kazakh University, organized an international conference in Minsk on the two hundredth anniversary of the birth of N.I. Lobachevsky. Polish associations held E. Ozheshko evenings in various cities and marked the two hundredth anniversary of the birth of I.I. Domeika. A celebration entitled “The Avgustovsky canal in the culture of three peoples” was held in the Grodno region by bodies of the executive power, together with the Association of Poles in Belarus. A Belarusian-Polish conference entitled “The way to reciprocity” was likewise held in Grodno.

390. An international seminar entitled “The Cultural Heritage of the Lithuanian Gran Duchy and its significance for contemporary Belarus and Lithuania and mutual understanding in Europe”, attended by scholars from Poland, Lithuania and Belarus, was held in 2002 at Rimdyuny by the Lithuanian centre of culture, education and information.

391. A celebration took place at Novogrudka in July 2002, on the initiative of the “Zikr ul Kitab” Belarusian Tatar public association, in which guests from abroad and many regions of Belarus, as well as representatives of local authorities, took part. It included a conference entitled “Mosques and holy places of the Tatars of Belarus, Lithuania and Poland”.

392. On the initiative of Ukrainian public associations in Belarus, the year 2002 was declared Shevchenko Year. Events devoted to the poet and artist were held everywhere. The ceremonial unveiling of a statue of Shevchenko took place in Minsk and a spring-water pump room - a gift from the people of Kiev to the people of Minsk - was opened. A bust of the poet was given to the city of Brest by the administration of the Cherkass region of Ukraine and was installed on a boulevard bearing his name.

393. An evening on the theme “Shevchenko and Gogol - great Ukrainians” was held at the Friendship House in Minsk, an evening of Belarusian and Ukrainian literature entitled “Shevchenko, Kupala and Kolas - their legacy and modern life” took place at the Literature House, and an evening entitled “Our Taras Shevchenko” was held at the Y. Kolas National State Humanitarian Lycée. Other events devoted to Shevchenko were held in many towns.

394. The scientific and educational association “Bereginya” plays an active part in the ethnic and cultural life of Ukrainians in the Brest region. “Pereveslo”, a young students’ studio, has been set up and is operating under the auspices of this association. Readings of Shevchenko take place there every March, and practical studies in Ukraine are arranged for students during the summer. The director of the association, L.S. Doroshko, hosts a programme in Ukrainian called *Ukrainskaya vitalnya* on regional radio.

395. The Vitebsk urban Ukrainians’ organization “Rodislav”, a division of the Belarusian public association of Ukrainians “Vatra” founded at the end of 2001, has made its presence felt through some interesting creative work. Its director, H. E. Petrushko, has brought together Ukrainians and all those interested in Ukrainian culture. As a result of her cooperation with the authorities, other ethnic associations in Vitebsk and the mass media, creative work by Ukrainians

has been presented at urban and national exhibitions, a branch of the library of Ukrainian culture has been opened in the Gorky Library in Vitebsk, and 17 press releases have been prepared for newspapers and television broadcasts. Work has been proceeding jointly with the publishing house Entsiklopediks on a collection of bibliographical material on Ukrainians for the encyclopaedia *Who's Who. The business world of the CIS* and contacts have been established with the Canadian-Ukrainian magazine *Rodina*.

396. In April 2002, Ukrainian associations organized the sixth National Festival of Arts of Belarusian Ukrainians in Minsk.

397. The Minsk Jewish Community House, which was opened on 24 April 2002 and which houses a museum of the history and culture of Jews in Belarus, has become a real boon to Jewish associations. In October 2002, a Protocol of Understanding was signed between the Brest regional executive committee and the Menachen Begin Heritage Centre in Jerusalem, under which it is planned to hold a number of events to coincide with the ninetieth anniversary of the birth of Menachen Begin, who was born in Brest.

398. The 120th anniversary of the birth of the popular poets Yanka Kupala and Yakub Kolos was widely commemorated in Belarus and abroad. As national symbols of Belarus, the names of these poets united all people and found an echo among members of various ethnic groups living in Belarus. They took part in festivities in many cities and themselves organized events devoted to these geniuses of Belarusian culture. By way of example, the "Moldova" society held a remarkable evening in honour of the two poets at the Belarusian Association of Friendship and Cultural Ties with Foreign Countries, at which their works were read in Belarusian and Moldovan. The Moldovan Ambassador to Belarus, Ilie Vancha, read verses by Kupala, and the son of Kolos, writers, professional artists, creative groups of the "Moldova" society and the "Wiedergeburt" German cultural centre all performed.

399. Ethnic public associations held events commemorating Pushkin, Mizkiewicz and Chagall, and in memory of the victims of the Holocaust, and many others. Public associations, in cooperation with cultural establishments and the Belarusian authorities, have acquired interesting experience in cultural education and leisure. Special mention should be made of the activities of associations offering charitable assistance to those in need, the disabled and children.

400. Based on the general education schools and other institutions under the auspices of the Ministry of Education and the Ministry of Culture, schools, classes and faculties have been established for teaching the national language and studying the history and culture of ethnic communities.

401. Foreign students can receive artistic education in establishments run by the ministry of Culture. A total of 134 foreign fee-paying students from Brazil, Israel, Jordan, Iran, China, Poland, Slovenia, United States of America, Turkey, Estonia and Japan, are currently enrolled at the Belarusian State Academy of Music, the Belarusian State Academy of Arts and the Belarusian State Cultural University. Foreign students also have the right to pursue postgraduate and doctoral studies at these educational establishments.

402. The activities of associations of ethnic minorities, mutual influences among ethnic groups, traditions of peaceful coexistence in Belarus and friendship among peoples have become constant themes in radio and television broadcasts. For example, Grodno television regularly broadcasts the following programmes on ethnic relations: *Zhyvem na zyamli adno*, *Nas yadnae Belarus*, *Advechnaya nota*. A Polish-language programme, *Nad Nemnam*, is broadcast twice a month on television and once a day on the radio. The Brest radio station broadcasts a Ukrainian-language programme, *Ukrainskaya vitalnya*. Some ethnic associations have founded their own publications. The largest circulation is that of the Polish newspapers *Slowo Zycia* (6,000), *Slowo ojczyste* (600), *Ziemia Lidska* (2,000), *Misericordia* (3,000), *Glos znad Niemna* (6,450) and *Magazyn Polski* (2,000). There is one newspaper in Ukrainian and one in Lithuanian. Among others, the magazine *Bairam*, in Belarusian, is about the life of Tatars, the newspapers *Aviv* and *Berega* (Minsk), *Gemer* and *Mishpokha* (Bobruisk) and the magazine *Mishpokha* (Vitebsk) cover Jewish communities, and the almanac *Kak dela?* is published for Germans in Belarus.

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