



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Twenty-second session

Summary record of the 461st meeting

Held at Headquarters, New York, on Friday, 28 January 2000, at 3 p.m.

Chairperson: Ms. Kim Yung-chung (Vice-Chairperson)

later: Ms. González (Chairperson)

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In the absence of Ms. González, Ms. Kim Yung-chung, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Third period report of Belarus (continued)
(CEDAW/C/BLR/3)

1. *At the invitation of the Chairperson, Ms. Sergeeva and Ms. Chutkova (Belarus) took places at the Committee table.*

2. **Ms. Cartwright** said that, in its next report, the State party should supply the exact wording of the provisions of the Constitution relating to women's rights, so that the Committee could better judge how well they matched the requirements of the Convention. Her concern was that the Constitution might prohibit only direct discrimination and fail to provide a basis for action against de facto discrimination. It would also be valuable to have more details of the wording of the relevant legislative provisions.

3. The many protective measures in Belarusian legislation barring women from working in hazardous conditions or in physically demanding jobs were well-intentioned but had the effect of exacerbating women's unemployment. Many women removed from jobs for their own protection might well have preferred to keep them.

4. One area of particular concern was violence against women. Belarus was by no means alone in having to deal with that problem and it could learn from the experience of other countries. More information would be welcome on Criminal Code provisions and judicial policy relating to violence against women and on any plans which the Government might have to review criminal law in that regard.

5. She would like to know, in general, how readily women had access to the courts. It would be useful to hear how judges were selected and what qualifications were required. She was particularly interested in knowing whether judges were trained to handle women's issues, such as rape, violence and employment discrimination.

6. **Ms. Corti** said that, since poverty appeared to be the State party's greatest problem and the economic transition seemed to be creating more problems for women than for men, it was not surprising that there had been a major increase in prostitution. She was interested in knowing the Government's long-term strategy for combating poverty. To enable the Committee to understand that strategy in context, she would welcome information on the Government's overall economic strategy, in other words, on whether it planned to resume State control of recently privatized companies or to move towards an increasingly market-based economy. The level of inflation and the Government's policy for dealing with the erosion of pensions through inflation were relevant in that regard.

7. With regard to unemployment, she would welcome information on the types of labour contract that existed, the distribution of jobs between the public and private sectors and between large and small enterprises, and the role of trade unions in collective bargaining. She would also like to know more about the Government's overall policy for combating unemployment and, specifically, whether it involved the promotion of part-time work or flexible working hours.

8. She wondered whether the State party's approach to motherhood might not be overprotective. If the cost to employers was too high, that would make it much harder for women to find jobs.

9. While she was pleased to hear that requirements for the registration of non-governmental organizations had been eased, it was her impression that the Government needed to do more to reach out to civil society and to engage women in a discussion of the problems affecting them.

10. She would like to know what mass media there were in Belarus and whether the Government had taken any steps to work with the media in combating gender stereotypes and disseminating information about the Convention.

11. **Ms. Khan** said that the surge in unemployment among highly trained women that had accompanied privatization was a major concern; among other things, it might have the effect of discouraging young women from pursuing higher education. Women had been the victims of market globalization in many countries. She wished to know what statistics were available on the former positions, or employment levels of women who

had lost their jobs and whether the retraining programmes in place were helping them to return to the workforce at the same level.

12. It seemed that the current emphasis was on encouraging women to have more children and that labour laws basically regulated women's employment from the standpoint of protection, particularly maternity protection. That emphasis might, in fact, be making it harder for women to find quality employment. The thrust of the Convention was that labour legislation should be aimed at promoting gender equality rather than women's maternal role.

13. Since entrepreneurship was set to play a larger role in the economy of Belarus, she wished to know whether there were any programmes for providing credit to entrepreneurs without collateral and whether women were benefiting from them.

14. **Ms. Chutkova** (Belarus) said that the problem of unemployment among women had abated somewhat since the report had been written. Although the proportion of women among the unemployed had at one point exceeded 80 per cent, it was currently around 60 per cent. Even that percentage might be somewhat misleading, since studies had shown that women were more apt than men to register with official employment services to find another job.

15. The Government's unemployment policy included programmes for job seekers, which offered, inter alia, retraining in job skills and assistance in acquiring entrepreneurial skills. The Ministry of Labour had developed a joint project with the International Labour Organization (ILO) which involved the granting of subsidies and small-scale credits to entrepreneurs who were attempting to start a business, with an emphasis on women entrepreneurs.

16. For the categories of women identified as least competitive in the labour market, such as women with three or more children, single mothers with children and divorced women with children, quotas had been established for certain firms and industries, in which a woman who had received unemployment assistance for over six months might be placed. With effect from 1998, firms that created jobs for such categories of job seekers could be partially compensated for the costs involved. Statistics showed that some 65,000 new jobs had been created in the past year and that half of them had been filled by women.

17. Statistics compiled in cooperation with the World Bank using a new method of calculating poverty showed that one out of three households in the survey area were living below the redefined poverty line. Most existing anti-poverty measures were short term and aimed at relieving the plight of the poor through assistance in cash or in kind, including allowances, free food, subsidies for schoolbooks and the like. The Government was undertaking a project with the International Monetary Fund to set up a centre providing more comprehensive social assistance for very poor families.

18. The dire unemployment situation among highly qualified women, who had been hard hit in the first wave of massive lay-offs resulting from the economic crisis and the transition to a market economy, had improved since the third periodic report had been written. Most of the women who were currently unemployed were those with less education. Occupations offering good prospects on the labour market were being stressed in training institutes and institutions of higher learning and, since 1998, retraining programmes for the unemployed had been attempting to match training with employer demand, in other words, with available jobs.

19. Several members of the Committee had expressed concern at the lower wage levels in economic sectors such as health, education and agriculture, where large numbers of women were employed. In annual wage negotiations among the unions, employers and the Government, the unions sought to defend the interests of women workers. In late 1999, there had been a review of the coefficients which determined wage levels in the health and education sectors; although no major shift had occurred, an overall reform was being prepared.

20. **Ms. Sergeeva** (Belarus) said that the growth of business, particularly small and medium-sized enterprises, was an important factor in the transition to a market economy, in that it created employment and contributed to social stability. The Government had established a new ministry and various other bodies to contribute to that process. In 1999, the President of the Republic had decided to set up a business council, which was currently chaired by a woman and included representatives from all walks of life. There were also annual plans to support business, and enterprise support funds to provide long-term, interest-free financing to enterprises. Two major programmes to

ensure a controlled transition to a market economy had been implemented and considerable numbers of State-owned enterprises had been privatized. Mistakes had been made in the privatization process, but the Government had tried to learn from the experience of neighbouring countries.

21. **Ms. Taya**, referring to information provided by non-governmental organizations on the numbers of women in prison and the offences of which they had been convicted, said that special provisions showing leniency to women in sentencing contradicted gender equality and tended to entrench stereotyped gender attitudes; extenuating circumstances should be taken into account regardless of the gender of the person convicted.

22. Specific legislative measures should be introduced to deal with the problems of domestic violence and sexual abuse and training programmes on those problems should be introduced for judges and law-enforcement officials.

23. **Ms. Goonesekere** emphasized the need for openness and pluralistic forms of governance at a time when Belarus was making the transition to a market economy. Governments could not do everything; the role of civil society and the private sector was critical for economic development.

24. She asked what was being done to mainstream the Convention and the Beijing Platform for Action into Government policy in order to ensure that it took account of the fact that integrating women in development meant recognizing them as individuals who had rights and the capacity to enforce those rights. The report had conceded that problems of discrimination often lay not in legislative texts per se but in their implementation. The Government should clarify what was being done to ensure that women's rights could be enforced and what legal remedies would be made available to that end.

25. Turning to the State party's law on rape, she noted that rape was defined as sexual intercourse "against the will" of the victim. In many countries, such a definition worked to women's disadvantage, because it required that force and violence be used. The definition should be sexual intercourse "without the consent" of the victim. The report also referred to rape of a minor "committed knowingly", which seemed to suggest that if the perpetrator did not know that the victim was under a certain age, he would not be liable.

She hoped that the relevant legislation would be reviewed.

26. Educational programmes on violence against women had been provided, but it seemed that only young women had participated in them. She wondered why that was and whether any efforts were being made to ensure that men also participated. Lastly, she asked what measures had been taken to ensure that women with disabilities enjoyed equality of educational and life opportunities.

27. **Ms. Feng Cui**, referring to an earlier discussion of employment contracts, asked what were the circumstances in which women employees could not be dismissed. In the absence of provisions to that effect, it would be very difficult to prevent discrimination against women.

28. The report mentioned that women graduating from professional training schools were finding it increasingly difficult to get jobs, meaning that more and more women were unemployed. She wondered whether that was because of discrimination against women or because schools were not adapting their courses to the changing needs of the labour market. The Government should specify what measures it was taking to remedy the situation and whether it had set a specific target for the rate of re-employment of unemployed women.

29. **Ms. Abaka** said that she sympathized with the Government and people of Belarus in their difficult transition to a market economy. She wondered whether privatization, which was certainly having an impact in the social sector, was also affecting the health sector. That could have an adverse effect on access to quality health services, especially in a country where there was so much poverty.

30. In connection with programmes to combat the instability of marriage, she asked whether any research had been carried out to establish the causes of family disintegration. If not, there was a danger of treating the symptoms of the problem rather than its root causes.

31. Health services, particularly for women, had reportedly deteriorated because of the economic situation and a review of health policies was being considered. She asked what measures were planned for improving reproductive health. Current measures seemed to be aimed at pregnant women, and that was certainly very important, but reproductive health also

included the needs of pre- and post-menopausal women.

32. Modern contraceptive methods were not generally used in Belarus, the reason given by other sources being their high cost, which made them inaccessible to ordinary people. The lack of contraceptives, combined with a very liberal abortion policy, had led to a situation where over 40 per cent of all pregnancies ended in abortion. That was very serious, for repeated abortions were detrimental to a woman's health. Even given the current economic difficulties, contraceptives should be made more accessible and affordable to both men and women, so that abortion was not used as a method of contraception.

33. It was clear from the report, and also from other sources, that there were many women working in the garment industry in Belarus. Many hazardous chemicals in use in that industry were particularly dangerous to pregnant women, and she wished to know whether the Government had a policy on occupational health.

34. It appeared that 75 per cent of women giving birth in Belarus required a Caesarean section because they were considered too weak to give birth normally. The report also stated that there were awards for women who had more than five children. She asked whether women received proper counselling on the health consequences of repeated Caesarean sections, as they might be endangering their lives in an attempt to win an award.

35. With regard to the large numbers of female prisoners, she noted from the report that most women imprisoned for violent crimes had themselves been victims of domestic violence. She asked whether those women had undergone psychiatric examinations prior to or during their trial and whether there was any opportunity for them to receive counselling and psychiatric treatment while in prison.

36. One consequence of the Chernobyl accident had been that 10 per cent of mothers were unable to breastfeed their babies because of contamination. She asked whether there were any special programmes for such babies.

37. *Ms. González took the Chair.*

38. **Ms. Sergeeva** said that there might have seemed to be some bias in the way in which her delegation had referred to crimes covered by the Criminal Code. Both

the old and the new Codes had included a whole range of crimes against women in addition to rape, such as illegal abortion, sexual molestation, sex with a minor, coercion into acts of a sexual nature and, in another area, denying employment to a pregnant or nursing mother. There were also some crimes for which the new Code had established liability for the first time, such as trafficking in persons, recruiting persons for exploitation and violation of the equal rights of citizens.

39. One interesting issue was the leniency shown towards women with regard to criminal liability, both in establishing liability and in sentencing. Since the time of the former Soviet Union, the Government of Belarus had had a humane policy of taking gender into account in criminal matters. Prior to 1994, the Criminal Code had provided that the death penalty could not be applied to women who were pregnant; in 1994, that provision had been amended to include women pregnant at the time of the offence, at the time of sentencing or at the time of enforcement of the sentence. In 1996, article 22 had been further amended to rule out the death penalty for persons under 18 years of age and women. The new Criminal Code went even further, stating that life imprisonment, as an alternative to the death penalty, could not be applied to women. The new Code also provided that the death penalty could not be applied to men aged over 65 years at the time of sentencing.

40. There were also distinctions in the forms of deprivation of liberty. There were separate prisons for men and women and different regimes, with stricter conditions applying only in some men's prisons.

41. Pregnancy could be a mitigating factor in sentencing in some less serious criminal cases. Another article of the new Criminal Code provided that a sentence of less than five years could, in the case of a pregnant woman or a mother of a child under the age of three, be deferred until the child reached the age of three. In some cases, the sentence might then be waived, depending on the woman's behaviour in the intervening period.

42. Concerns had been expressed about the denationalization and privatization process and its possible impact on the health system. Under new legislation, there were some institutions that could not be subject to privatization; health institutions were included in that category. Priority areas for

privatization had also been established and they did not include health-related areas. Some private health-related enterprises, such as pharmacies and hospitals had been established, but they were unconnected with the privatization process and were covered by different legislation.

43. **Ms. Chutkova** (Belarus) said that private health services accounted for only 2 per cent of all health services; the vast majority of services were still provided free of charge by the State. However, there were significant funding problems in the health sector and only 70 per cent of actual needs were being met. Some hospitals did not have adequate medical supplies for their patients.

44. In connection with reproductive health, Ministry of Health data for 1998 indicated that women underwent Caesarean sections in 15 per cent of all births. The number of abortions was very high, however, and that did have some impact on the need for Caesarean sections. In 1992, the Ministry of Health had decided to encourage women to seek medical advice in the early stages of pregnancy and had offered incentives in the form of free services. As a result, many other health problems not directly associated with pregnancy had been detected and it had been decided to give special attention to women of childbearing age under the age of 38 by offering medical check-ups twice a year and providing contraceptive services. As a result, 50 per cent of women in that age group were using contraception, as compared with 30 per cent of women overall.

45. She shared the committee's concerns with regard to labour legislation. Unfortunately, many articles of the new Labour Code perpetuated the approach of protecting women in pregnancy or as mothers, rather than ensuring their rights as workers and their competitiveness in the labour market. Some new provisions had been put forward during the drafting process, such as the right of women with young children to agree to do night work or shift work, but the final text had unfortunately been worded rather differently. The new Code was still an improvement on the previous one, however, and the benefits available to women in connection with their reproductive role were entirely justified and should be retained. There were references in the new Code to parents and their family responsibilities, which indicated that a gender policy was slowly emerging.

46. ILO and the international community had been urging that women should be able to decide for themselves whether or not to accept difficult working conditions. The list of jobs prohibited for women by reason of hazardous or difficult working conditions still existed and would continue to do so until the attitudes of women and society as a whole changed and women were ready to give up the benefits associated with their protected status. Currently, women who were laid off from their jobs because of hazardous or difficult conditions were guaranteed other jobs involving similar functions, or retraining. Women were often reluctant to leave such jobs, however, because of the benefits granted to compensate for the difficult conditions, such as higher remuneration and the opportunity for earlier retirement.

47. When enterprises were to be closed down, employers were required to notify their employees and pay them three to six months' salary as compensation. In the case of large-scale lay-offs, employment offices would be consulted and would be involved in the decision-making process. In some cases, in order to avoid widespread unemployment in a particular area, the closure would be halted and resources would be made available to the enterprise from the Employment Assistance Fund.

48. Stereotypical attitudes existed in any society; while she could not say that great progress had been made in eliminating them in Belarus, some shifts in attitude had taken place. Action was being taken with regard to the mass media and a number of women's publications were being subsidized by the State. The Centre for Gender Information and Policy in the Ministry of Social Welfare had brought together a group of journalists who held regular seminars and meetings on various issues related to women's daily lives, especially in connection with the adoption of the Beijing Platform for Action. Another major project, under the aegis of the United Nations Development Programme (UNDP), was also focusing on gender issues. In addition, journalists were attending training courses abroad to learn how to project a more balanced view of gender issues.

49. A Women's Education Consultative Centre had been set up, as well as a Centre for Gender Research connected with the European Humanitarian University. The Centre for Gender Research published an information bulletin in an effort to inform the broader public as well as specialists about developments

occurring at the level of the international community, for instance, in connection with the Beijing Platform for Action, which had been well publicized in the mass media through the efforts of UNDP. The bulletin also contained information on events organized by non-governmental women's organizations in Belarus. In October 1999, a round-table meeting had been held to mark the twentieth anniversary of the adoption of the Convention, in which all women members of the National Assembly had participated. The third periodic report of Belarus had been presented to that meeting, whose debate had been publicized in the mass media.

50. **The Chairperson** suggested that one issue which might be considered in the context of the implementation of the Convention in Belarus was the need to combat the persistent stereotypes that continued to assign women a marginal role in the country's development and to prevent their integration.

51. **Ms. Schöpp-Schilling** emphasized that the State party needed to review its conceptual approach to the issue of women's rights; it could not review its legislation or develop policies on the basis of the Convention alone. She also urged it to sign and ratify the Optional Protocol to the Convention as soon as possible and to ratify the amendment to article 20 of the Convention.

The meeting rose at 5.05 p.m.