



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-fifth session

SUMMARY RECORD OF THE 1651st MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 6 August 2004, at 10 a.m.

Chairman: Mr. YUTZIS

later: Mr. SICILIANOS  
(Vice-Chairman)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifteenth to seventeenth periodic reports of Belarus (continued) (CERD/C/431/Add.9)

1. At the invitation of the Chairman, the members of the delegation of Belarus resumed their places at the Committee table.
2. The CHAIRMAN invited the delegation of Belarus to reply to the Committee's questions.
3. Mr. MOLCHAN (Belarus), replying to a number of questions on State party practice in relation to the implementation of civil and political rights of national minorities, said that those rights were guaranteed in Belarusian legislation. Pursuant to article 5 of the National Minorities Act, all persons were eligible for State office. In addition, the Constitution guaranteed equal access to government posts, as well as national minorities' participation in decision-making processes that concerned their rights. The enjoyment of those rights was not affected by ethnic affiliation, since no one could be compelled to disclose such information. Since a person's ethnic affiliation was not specified in any official document, no disaggregated data were available on ethnic minority groups' representation in government, the civil service or other areas of public life.
4. Currently, Belarus had 122 public associations that organized, inter alia, cultural and educational programmes for national minorities. Many of those associations worked in close collaboration with governmental bodies. As to the protection of representatives of ethnic minority political parties, Belarus had no political parties that focused solely on ethnicity-related issues.
5. In order to guarantee members of national minorities de facto enjoyment of their rights, a number of bodies had been set up to draft recommendations on the practical implementation of State policy, among them the Committee on Religious and Ethnic Affairs. The Coordinating Council for Ethnic Community Affairs, which fell under the purview of that Committee, comprised representatives of cultural associations, the Ministry of Labour and Social Protection, the Ministry of Culture and the Ministry of Education. The establishment of a local body with similar responsibilities was envisaged for the province of Grodno. The National Minorities Act provided for the establishment of similar consultative bodies at the local level. Emphasis was placed on projects that fostered inter-ethnic cooperation and peaceful coexistence.
6. Turning to a question raised by Mr. Valencia Rodríguez regarding the activities of skinheads, he said that, in 2002, the investigation department of the Committee for State Security had brought criminal charges against members of a skinhead group who had been caught attacking refugees. The investigation had determined that the individuals concerned had acted in an unorganized way and had had no leader. Therefore, only the most active members of the group, for whose criminal actions a conviction was considered possible, had been indicted. The

Belarusian authorities attached great importance to the prosecution of acts of violence against ethnic minorities, as had been shown in practice. As a result of effective law enforcement and educational programmes, there had been no further incidents involving skinheads.

7. Replying to a question on the status of minority languages, he informed the Committee that in a number of schools, including nursery schools, classes were taught partly or entirely in a minority language. However, there was limited capacity for minority language teaching as many members of ethnic minorities did not speak their native language.

8. One newspaper was published in Ukrainian, and 12 newspapers and magazines were published in Polish. In the province of Grodno, a number of television and radio programmes were broadcast in Polish. Special schools had been set up to teach the languages, history and culture of national minorities.

9. Turning to Mr. Tang's question on the difficulties experienced by members of national minorities in finding employment, he said that job applications did not require the applicant to declare his or her ethnic origin. State and regional programmes to combat unemployment covered all citizens irrespective of their ethnic origin, and emphasis was placed on the inclusion of particularly vulnerable segments of the population.

10. In response to a question by Mr. Valencia Rodríguez on whether the Government envisaged drafting specific legislation to regulate all issues relating to national minorities, he said such legislation was not deemed necessary. Minority rights were guaranteed in existing legislation. The Government was reluctant to place ethnic minorities in a separate legal category for fear of fuelling inter-ethnic tension.

11. In the absence of a relevant study, no specific information was currently available on the situation of Belarusian Roma. However, in response to the Committee's General Recommendation XXVII on discrimination against Roma, particular efforts would be made to include such information in the next periodic report. The president of the Roma Association of Belarusian Gypsies had in fact confirmed that there was no discrimination on grounds of nationality, race or language, and that State bodies provided every opportunity to citizens of all ethnic groups for their national and cultural development and the exercise of their rights.

12. Ms. KORNELIOUK (Belarus), replying to questions on anti-Semitism in Belarus, said that government policy aimed at fostering peaceful coexistence between different ethnic and religious groups. Studies had found that for the vast majority of Belarusian citizens national, racial or religious affiliation did not affect their choice of friends, political preferences or everyday interaction with other people. She was pleased to report that the country had experienced no ethnic, racial or religious conflict for many years.

13. According to the 1999 census, the Jewish community was the largest of the minority groups. National legislation on minority rights naturally applied to the Jewish community and its members participated actively in public life. Compared with other national minorities, members of the Jewish minority were particularly well represented in scientific, educational, cultural, political and economic life. As a result of a decade of State policy fostering religious tolerance

and harmony between different nationalities, older Jewish people no longer wished to emigrate and many young members of the Jewish community held important positions in the public and private sectors.

14. Belarus had 47 Jewish public organizations. The Union of Belarusian Jewish Public Associations and Communities was represented in some 100 communities in 23 towns and cities and cooperated with international Jewish organizations. The Union had organized a series of cultural, educational and scientific activities. Some 1,500 people currently studied the Hebrew language in two State schools, four nursery schools and 19 weekend schools. Several universities offered courses in the history of the State of Israel and Jewish culture. The Minsk Jewish Community House, which housed a museum of the history and culture of Jews in Belarus, had become a centre for the promotion of Jewish culture and heritage.

15. A number of NGOs had alleged discriminatory attitudes in a particular higher education institution. In February 2004, the Minister of Education had taken a decision to close the institution on grounds of a violation of legislation regulating the work of higher education institutions. However, the allegations of discrimination had proved unfounded.

16. Three Jewish religious communities were formally registered but there was a total of some 40 communities. Religious services were held in nine synagogues. In addition, the Jewish community administered two institutes of higher education and published one university newspaper. Significant progress had been made in the renovation of religious buildings, with no preference given to any particular religious community.

17. A question had been asked about vandalism in cemeteries and related anti-Semitism. Desecration of burial sites was a very delicate issue and, unfortunately, such shameful acts had been perpetrated in a number of cemeteries in recent years. In 161 cases, individuals had been charged with desecration of burial sites under article 347 of the Criminal Code. However, only in five cases had anti-Semitism been found to be the motivation behind those acts.

18. The Belarusian authorities would take measures to implement Mr. Boyd's recommendation that the work of law enforcement officials in investigating such cases should be more widely publicized. That should avert any future accusation that no action was taken to deter anti-Semitic vandalism. Information on the alleged resurgence of neo-Nazism had not been verified and should therefore be regarded with caution. Propaganda inciting racial hatred or aggression was prohibited. Racism was considered an aggravating factor, resulting in heavier sentences, in crimes motivated by xenophobia.

19. A recent illustration of the State's efforts to foster inter-ethnic and inter-religious harmony had been the commemoration of the fiftieth anniversary of the liberation of Belarus from fascism. The State had restored several Holocaust memorials prior to the commemoration, and representatives of the Government and Jewish associations had celebrated the event together. Veterans of the liberation of Belarus had taken part in the ceremony, without distinction as to national, ethnic, racial or religious origin. A delegation from Israel had participated, including veterans and representatives of political and civic groups. It was therefore difficult to understand why there had been allegations of anti-Semitism, particularly State-sponsored anti-Semitism, in Belarus.

20. Ms. VASILEUSKAYA (Belarus) said that effective human rights education was a priority for her Government. A 1999 government decree had established an action plan for human rights education for the period 1999-2004. The Convention had been given appropriate attention by Belarus, one example being the compendium on the protection of national minorities, first published in 1999 and republished with addenda in 2004. That document was widely distributed, free of charge, to all educational institutions, government bodies and the media.
21. Specialists in human rights education provided training for law enforcement and other State officials on national policies regarding the rights of ethnic minorities, and on dealing with racial discrimination and racially motivated aggression. The Ministry of Internal Affairs paid particular attention to ensuring equal treatment for all citizens, without limitations based on racial or ethnic origin. Social workers, teachers and court personnel all received information on the elimination of racial discrimination. That work would continue in future.
22. Belarus had only one Criminal Code, which had been adopted in 1999 and come into force in 2001. References had been made in the periodic report to the 1960 Criminal Code merely to indicate that a number of provisions of that instrument had been updated and included in the current Criminal Code in order to bring it into line with international standards.
23. The media, public associations and community organizations could be closed down on certain grounds, such as publishing war propaganda, inciting national, social or ethnic aggression or hatred, or distributing pornography. The circumstances under which such organizations could be prohibited were specified in the relevant legislation.
24. Belarus had encountered acute problems of forced immigration over the previous 10 years. A procedure had been implemented to recognize foreigners as refugees in February 1997. In May 2004, over 700 foreigners had been granted refugee status. The wide variety in the origins of applicants for such status demonstrated that no foreigner arriving in Belarus had encountered discrimination from the authorities. Belarus had acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol in May 2001. New legislation on refugees had come into force in 2003, guaranteeing foreign citizens or stateless persons applying for refugee status the rights embodied in those two international instruments. Accordingly, applicants currently enjoyed, inter alia, the right to reside in Belarus while their applications were being considered, the right to free health care and the right to legal protection. In line with the principle of family unification, if one member of a family was granted refugee status, all other close members of the family were also recognized as refugees. The Government did not compel foreigners who had been denied refugee status to return to a country in which they might be in danger on grounds of race, religion, citizenship or ethnic origin. Foreigners applying for refugee status, and those to whom it had been granted, had the right to appeal if they were not satisfied with the action taken by the State. All violations of refugee legislation were liable to be punished. The migration authorities of Belarus, together with representatives of UNHCR, had taken measures to promote the social integration of refugees. All refugees of working age were assisted in finding work; approximately 40 per cent of refugees were currently in employment.

25. Many illegal immigrants entered Belarus in order to continue travelling to Western and Northern Europe. In 2003, approximately 10 million illegal migrants had transited the territory of Belarus. The Ministry of Internal Affairs, local officials and international agencies had worked together and detained 2,378 illegal migrants. While 2,300 of them had been expelled from the country, the expulsion orders had not been based on ethnic origin, but on the fact that those people had tried to cross Belarusian territory illegally.

26. Measures had been taken to combat prostitution and trafficking in women, including raising public awareness of the dangers of trafficking and the potential consequences of engaging in sexual activity with prostitutes. The State party assisted victims of trafficking in women and children, and ensured their reintegration in society. Seminars had been held on the issue in Belarus and in Ukraine.

27. Mr. MALEVICH (Belarus), in response to questions asked by Mr. Tang, said that his Government was aware that anti-Semitism had many causes. However, shortcomings in education were among the most important. While the perpetrator of the Ryakhov-Shapiro case had not been found, he would be called to account in accordance with legal procedure once he had been detained. The absence of ethnic political parties in his country was due to the fact that there were no specific unresolved political issues relating to ethnic groups. The existence of 122 public organizations, involving participants of 24 nationalities, demonstrated that people from national minorities enjoyed the right of association. The appeals from Committee members concerning articles 8 and 14 of the Convention had been heeded and would be transmitted to the Government.

28. He thanked Mr. Herndl for his favourable assessment of the Government's efforts regarding accession to the two Optional Protocols, and the quality of legislation on offences motivated by racial, national or other forms of intolerance.

29. With regard to Mr. Boyd's reference to complaints from NGOs, such communications should be regarded as normal within a democratic system. Caution should be exercised, however, as experience had shown that NGOs often exaggerated the gravity of situations. In response to Mr. Boyd's question on the Union of Jewish Communities, he quoted a recent article in the International Herald Tribune, to demonstrate that more anti-Semitic acts had been committed in a certain Western European country than in Belarus. A detailed study by experts would be necessary to answer the question on allegedly anti-Semitic teachings in the Orthodox Church. To his knowledge, however, no appeals in that regard had been made to State agencies.

30. Clarification was needed of the meaning of the term "private groups", used by Mr. de Gouttes in connection with legislation to combat manifestations of intolerance. The right to compensation for material injury was provided for in the Constitution and the Criminal Code. His delegation agreed that the non-existence of criminal cases did not mean that there were no problems of that nature. Given that the Belarusian population was highly educated, the principle that the lack of cases could be due to ignorance of the law was less applicable to Belarus than to other States.

31. His delegation had taken note of the question on NGOs asked by Mr. Kjaerum and would ensure that the issue was taken into account in the next periodic report.

32. The status of Russian as the second official language of Belarus facilitated the integration of refugees, was a factor in the preservation of concord among the country's various ethnic groups and, enabled his Government to interact more effectively with organizations of the United Nations system, since Russian was also an official language of the United Nations. The revival of other national languages was a matter for the speakers themselves, although the authorities had a responsibility to create the necessary conditions, and not merely to avoid hindering the process.

33. Although Belarus, like many other countries, was confronted with economic problems, the population enjoyed a high level of social guarantees; that was another factor in the maintenance of inter-ethnic harmony. In terms of basic economic indicators, Belarus was ahead of the other countries of the former Soviet Union with the exception of those that had major natural resources such as oil; Belarus had to import virtually all its oil and natural gas.

34. Regulation of the Internet was an extremely complex issue, both legally and practically, and was one of two issues that had remained unresolved at the World Summit on the Information Society (Geneva, 2003). Attempts to control web-site content were criticized by human rights groups on the grounds that they restricted freedom of expression and access to information. In 2002, deputies in the House of Representatives had begun drafting a bill on security of information. The text had been submitted for public discussion and had provoked much comment from NGOs. Work on the bill was continuing, taking account of those responses. Belarus cooperated actively with other States in combating misuse of the Internet. For example, in January 2004, cooperation with the United States law enforcement authorities had led to the institution of criminal proceedings against the organizers of an international network for the distribution of child pornography.

35. Regrettably, women had borne the brunt of the adverse effects of the transition period: they performed a disproportionately large share of work in the home and the workplace and were more likely to be unemployed. His Government had taken a number of measures to increase female employment. Among the most effective were vocational training to enhance their mobility and competitiveness, and programmes to promote women's self-employment and entrepreneurialism. Through its social, economic and political reforms, his government was attempting to create the prerequisites for equal opportunities for women and men, and to bridge the gap between women's de jure and de facto situation. In 2001, it had adopted the second national plan of action for gender equality for the period 2001-2005. Its equal opportunities policy gave priority attention to women's participation in decision-making at all levels. In that connection, he noted that, following the 2000-2001 elections, the number of women deputies in the House of Representatives had more than doubled.

36. Lastly, a national programme of action for implementation of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) was currently being formulated.

37. The CHAIRMAN commended the delegation of Belarus for the thorough and systematic way in which it had responded to the questions posed by the Committee; that showed the value of having representatives of States parties present when the Committee considered their reports.

38. Mr. AMIR welcomed the delegation's attentiveness to the concerns raised by the Committee. The purpose of States parties' periodic reports was to show how the situation with respect to racial discrimination had evolved. The delegation's replies demonstrated that Belarus had made considerable progress in the implementation of the Convention. It would be important to ensure that the substance of those responses was included in Belarus' next report, so that the Committee would not have to rake over the same issues in two years' time. The report should provide as much information as possible so that the Committee could focus on any remaining problem areas in its dialogue with the State party's representatives.

39. The CHAIRMAN said that the important point just raised by Mr. Amir would be explored further when the Committee discussed possible improvements in the drafting of State party reports.

40. Mr. BOYD expressed appreciation for the very full answers provided by the delegation. He welcomed the Government's recognition that, while it was important for the police and judicial authorities to react appropriately to racist, xenophobic and anti-Semitic crimes, a more proactive approach was required from national and local authorities if efforts to combat those phenomena were to be sustained over time. Education was of course the key to progress in that area. There was a need to publicize more widely the successes achieved in investigating and prosecuting racist crimes so as to rebut claims of official complicity and to demonstrate to would-be perpetrators that their actions would not be tolerated by the Government or the community and that they would be treated as criminals. He applauded the Government's initiatives in the fight against trafficking in persons, a problem related, if not directly attributable, to racial discrimination. Lastly, he urged the Government to remain vigilant lest complacency lead to a new upsurge of racial discrimination.

41. Mr. de GOUTTES said that he was gratified by the delegation's responses to the Committee's concerns about manifestations of racism, xenophobia and anti-Semitism and trusted that those concerns would be brought to the attention of the Government. It was still not clear to him, however, whether the Government intended to make the declaration under article 14; whether the Convention, the State party's periodic reports and the Committee's concluding observations thereon were widely disseminated in Belarus; and whether NGOs contributed to the preparation of the reports.

42. Mr. PILLAI said that the delegation had provided very full and detailed answers to the Committee's questions. Nevertheless, he would welcome an explanation of the use of the terms "ethnic" and "national" in the State party's report. For example, paragraph 13 referred to Belarus's 140 nationalities but also to ethnic groups, while paragraph 305 dealt with the national languages of ethnic groups and paragraph 373 with the representation of various ethnic groups in national sports teams. It would be helpful to know whether there was any difference between the concepts of nationality and ethnicity.

43. Mr. ABOUL-NASR said that the Government of Belarus was to be congratulated on acknowledging the obstacles to implementation of the Convention. There had been much discussion during the consideration of the State party's report of manifestations of anti-Semitism in Belarus. In his view, the Committee should not have taken the lies and propaganda



disseminated by certain NGOs at face value. It was not fair to level accusations of anti-Semitism against Belarus merely because of its support in the General Assembly for the Palestinian people's right to self-determination and Palestinian refugees' right of return.

44. Mr. SHAHI expressed appreciation for the detailed report and comprehensive replies provided by the State party, noting with satisfaction that non-nationals and stateless persons enjoyed the same rights and had the same duties as Belarusian citizens. It was still not clear to him whether the international instruments concluded by Belarus took precedence over its national laws. While the report stated that, under article 8 of the Constitution, Belarus recognized the supremacy of the universally acknowledged principles of international law and ensured that its laws complied with those principles, the delegation had said that the conclusion of international treaties that contradicted the Constitution was prohibited. He also wished to know whether Chechens with Russian citizenship had the same rights when claiming asylum as other asylum-seekers from the Russian Federation, and whether there had been any progress in the establishment of the ombudsman's office.

45. Mr. THORNBERRY requested further information on the functions of the Coordinating Council for Ethnic and Community Affairs. He wished to know how often the Council met, who was responsible for setting its agenda, what type of recommendations it made and who was responsible for implementing them. Such mechanisms were very important for establishing and maintaining inter-ethnic dialogue and should enable minorities to participate in any decision-making processes that affected them. He asked why individual members of particular ethnic groups were obliged to study their national language (para. 138), since the exercise of rights relating to ethnic origin should be the personal choice of the individual. The fact that the Committee had asked questions about the ethnic composition of the population was not a suggestion of discrimination, but simply a request for information, which would assist the Committee in making future recommendations to the Belarusian Government.

46. Mr. MALEVICH (Belarus) said that written replies, as requested by Mr. Amir, would be forwarded to the Committee in due course. He agreed with Mr. Boyd that measures must be taken to publicize the role of law enforcement officials in applying legislation, since that could serve as an effective deterrent against racist incidents. Regarding trafficking in women, the geographical position of Belarus meant that it had often served as a crossroads, but efforts would be made to take a more vigilant approach to the problem. The Committee's recommendations and concerns in relation to article 14 would be transmitted to his Government, and measures would be taken to ensure that the text of the Convention and the Committee's concluding observations received widespread publicity.

47. Cooperation between his Government and NGOs was steadily increasing on a broad range of issues, and the country's most recent periodic report to the United Nations Committee on the Rights of the Child had been drafted with NGO input. The Government hoped that such cooperation would continue to increase in future. Moving on to the question about the definition of "State" and "national" languages, he said that "official" or "State" languages were those used within official bodies, the administration and the Government, and those in which official documents were published. "National" languages were those used within different national or ethnic groups residing on the territory of Belarus, such as Polish. National groups were legally entitled to use their languages in the media and broadcasting.

48. Regarding Mr. Aboul-Nasr's question, the Government acknowledged that Belarus did not have a perfect history in the area of racial, ethnic and religious intolerance, however, it had by no means the worst record in that regard and efforts to improve tolerance were constant. Further information on the relationship between international legislation and the Constitution would be provided in the country's next periodic report to the Committee, or in a written reply as soon as possible if the Committee so requested. Turning to the question on Chechens, he was only aware of one incident, in which a number of Chechens had attempted to emigrate to the European Union by crossing the border between Belarus and Poland, but had been denied access by the Polish authorities. The Belarusian authorities had done their utmost to ensure the protection of the migrants' rights when they were returned to Belarus.

49. His Government shared Mr. Thornberry's opinion that the Coordinating Council for Ethnic and Community Affairs served as an instrument of dialogue. Regarding his concern about ethnic affiliation, it did not give rise to an obligation to study language and culture, as indicated in the English version of the periodic report. Efforts would be made to include statistics disaggregated by ethnic group in the next report to the Committee.

50. Ms. KORNELIOUK (Belarus) said that NGOs were increasingly involved in all spheres of social and political life in Belarus. They worked in cooperation with State bodies and actively participated in the protection of human rights. The work of public associations was regulated by the Public Associations Act. There were a large number of national and international public associations, trade unions, local unions and social groups that functioned in Belarus, including women's groups that promoted women's rights in political and public life, vocational training and, in particular, women's rights within the family. Over the past three years women's NGOs had published a range of booklets, broadcast television programmes, and held consultations and seminars on women's rights and the prevention of trafficking in women. There were also a variety of successful NGOs that provided assistance to asylum-seekers and refugees, including medical and legal aid during both the asylum application and integration processes. Efforts were being made to disseminate information on refugees' rights published by the United Nations. More details on such organizations and their work would be included in the next periodic report, and the Committee's recommendation on increasing collaboration with NGOs would be transmitted to the Government.

51. Ms. VASILEUSKAYA (Belarus) said that since Chechen nationals were citizens of the Russian Federation, their protection on Belarusian territory was governed by a bilateral agreement between Belarus and the Russian Federation, in accordance with which equal rights were enjoyed by the citizens of both countries. Chechen nationals were therefore not discriminated against in the enjoyment and protection of their rights when residing on Belarusian territory.

52. Mr. MOLCHAN (Belarus) said that the Constitution stated clearly that it recognized, and had been drawn up in accordance with, international legal norms. It also stated that Belarus could not sign any international agreements that were not in conformity with the Constitution, i.e. any agreements that were at variance with the principles of peace, and national, ethnic and religious equality. However, any international agreements which adhered to those principles, and were recognized as fundamental by the Constitution and the international community, could be signed and ratified, and would take precedence over domestic legislation.

53. His delegation did not have any documents on the Coordinating Council for Ethnic and Community Affairs to present to the Committee immediately. The Coordinating Council was a registered organization, the members of which were officially recognized. It had the authority to make recommendations on national minorities to the State authorities. Further information would be provided in the next periodic report to the Committee.

54. Mr. TANG Chengyuan (Country rapporteur) thanked the delegation of Belarus for its periodic report, which had been compiled in accordance with the standard requirements, and its comprehensive replies to the Committee's questions. He hoped that any questions that had remained unanswered would be dealt with by the Government in its next report.

55. Further information would be welcome on the situation of the Roma, and whether the Government faced any problems in enforcing its legislation on national and ethnic minorities. The next report should also contain demographic statistics disaggregated by ethnic group, and information on the participation of representatives of each national group in public life. More details on the functions of the Coordinating Council for Ethnic and Community Affairs would also be welcome. He considered that dialogue with the delegation had been constructive and hoped that it would continue in future.

56. The CHAIRMAN joined Mr. Tang in thanking the delegation for its efforts to respond to the Committee's questions.

57. Mr. MALEVICH (Belarus) thanked the Committee for its attention and the interest it had shown in his delegation's replies.

The meeting rose at 12.55 p.m.