



Convention on the Rights of the Child

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Summary record of the 1597th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 25 January 2011, at 3 p.m.

Chairperson: Ms. Lee

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

Consideration of reports of States parties *(continued)*

Third and fourth periodic reports of Belarus on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/BLR/3-4; CRC/C/BLR/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Belarus took places at the Committee table.*
2. **Mr. Yakzhik** (Belarus) said that Belarus had introduced a social security system aimed at providing financial assistance to families in need. In addition to the maternity benefits payable to all families following the birth of a child, benefits were also paid to low-income families, single-parent families and families with a disabled child.
3. **Mr. Zermatten** (Country Rapporteur) said that he was under the impression that the total amount of social assistance decreased following the birth of the third child, which seemed to run counter to the pro-birth policy that the State party wished to implement. He would welcome additional information on the subject.
4. **Mr. Yakzhik** (Belarus) said that families with three or more children benefited from concessional subsidies when building, renovating or buying property.
5. Parents who failed to fulfil their obligations in terms of educating and maintaining their children could be deprived of their parental rights, which would explain why more and more minors were being placed in the alternative care of various public structures. By virtue of Presidential Decree No. 18 of 24 November 2006 on supplementary measures for affording State protection to children in dysfunctional families, parents could temporarily lose custody of their children if the Commission for Minors' Affairs believed that the conditions of the child's upbringing posed a risk to his or her health or well-being. The child in question could rejoin the family home if the situation was rectified within six months.
6. **The Chairperson** noted with concern that the removal of custody from the parents did not stem from a judicial decision.
7. **Mr. Yakzhik** (Belarus) said that, until 2006, it had been necessary to wait for a judicial decision to be taken in order to strip parents of their parental rights, after which their children were placed in an orphanage. In order to avoid that situation and to reduce the number of orphans in the country, Presidential Decree No. 18 of 2006 therefore focused on prevention and early intervention from within the family unit.
8. **Mr. Zermatten** (Country Rapporteur) noted that the Marriage and Family Code already gave the courts the power to intervene quickly in the event of exceptional circumstances, namely when it was a matter of rescuing a child in danger. Bypassing the courts in favour of a commission was pointless and served only to restrict the rights and guarantees of both parents and children. The delegation might wish to explain the reasons for the passing of such a decree and why it had not been incorporated into a legal text.
9. **Mr. Yakzhik** (Belarus) said that the courts' competence was by no means being called into question, but a new normative provision had been established to prevent an exponential increase in the number of orphans, as had been the case prior to the passing of Decree No. 18 of 2006. He said that the primary objective was to prevent the forfeiture of parental rights and to return a child who had been in danger to his or her family once the family situation had returned to normal.
10. **Ms. Herczog** asked for additional information on the various structures that took in children who had been temporarily removed from their parents' custody. She particularly

wanted to know what qualifications the employees of the various structures had, how much foster families earned and the criteria for placing a child in an institution rather than in the care of a family.

11. **Mr. Yakzhik** (Belarus) said that children removed from the custody of their parents could be placed with a relative in a “guardian family”, or in the case of a foster family that was not related to the child by blood, or in a family-type children’s home, or even in one of the six children’s villages, which could house up to 300 minors across the country. Since the adoption of Decree No. 18 of 2006, the number of orphanages had been cut by a third and the aim was to close half of them between 2011 and 2015. Seventy per cent of children in care lived in a family-type home, where the employees had been highly trained in psychology. Foster families received training to prepare them for their future role. Such training had been provided since 1999 and had been introduced with the help of the United Nations Children’s Fund (UNICEF), drawing on the experience of Scandinavian countries in particular.

12. Corporal punishment was not used as a disciplinary measure in schools, but educational establishments were not totally violence-free zones.

13. No minority group or sector of the population had been subject to racial discrimination, although there were 2,000 Roma children who neither attended school nor were integrated into Belarusian society. On the other hand, there were nine establishments providing instruction in Polish and one in Lithuanian. In general, no distinction was drawn between Belarusians on the basis of ethnic origin and all citizens enjoyed equal access to education.

14. The health authorities closely monitored the infant mortality rate and aimed to keep it as low as possible. Health policies that focused on curbing forms of addiction such as alcoholism and smoking had proved a success, as they had brought about a 25 per cent drop in illnesses related to alcohol consumption and a significant drop in those related to smoking.

15. **Ms. Melnikovich** (Belarus) said that all inhabitants of the region affected by the Chernobyl nuclear disaster underwent a compulsory medical examination each year. The region’s clinics possessed high-performance diagnostic equipment, thanks to technical assistance provided by the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and UNICEF, among others. Women and children were given special care.

16. The authorities were seeking actively to address the increasing number of abortions among teenage girls by applying both preventive measures and practical medical programmes. Women’s advisory centres and health centres for teenagers, which had been opened with the help of UNICEF, provided young girls with information on contraceptives and their use.

17. A comprehensive plan to combat suicide was currently being implemented. Emergency telephone lines had been set up to provide troubled teenagers with an expert-run listening service, while respecting their anonymity, if they so wished.

18. **Ms. El Ashmawy** asked whether the State party had a programme to encourage teenagers to maintain a healthy lifestyle and whether it planned to incorporate reproductive health into the school curriculum.

19. **Mr. Puras** asked whether Belarus had a general policy on children’s mental health that would incorporate the Government’s numerous positive initiatives.

20. **Mr. Yakzhik** (Belarus) said that there were general programmes for children, aimed at preventing addiction through sport or by other means, and medical programmes, which

had the specific aim of providing teenagers with information on issues relating to reproductive health. In that area, the Government of Belarus worked closely with non-governmental organizations (NGOs), which helped to run the 14 centres for teenagers.

21. Over the past few years, a series of laws, including the Psychological Assistance Act, had been reviewed and amendments had been made to the Education Code, particularly with regard to children with special needs who, as a result, were better able to integrate into the mainstream education system. The educational, correctional and development and rehabilitation centres established in every region under the Ministry of Education ran supplementary programmes with a view to integrating such children into Belarusian society.

22. **Mr. Zermatten** (Country Rapporteur) noted that the main victims of HIV/AIDS were street children, young prostitutes and drug addicts. He asked whether there was a targeted policy for HIV/AIDS prevention that included the distribution of syringes and condoms. He also requested additional information on the legal regulations that required HIV infection to be reported to the local authorities and, in particular, to schools, which deprived the children of their right to respect for their public image and a private life.

23. **Mr. Yakzhik** (Belarus) said that less than 1 per cent of Belarusian children were HIV positive. The authorities did not underestimate the problem, however, and had adopted preventive measures, including the introduction of health centres for teenagers. One-off campaigns involving condom and syringe distribution were conducted, particularly in the worst affected regions such as Gomel.

24. **The Chairperson** asked why the rate of HIV/AIDS infection and the mortality rate for under-fives were so high in the Gomel region.

25. **Mr. Yakzhik** (Belarus) said that it was difficult to pinpoint a specific cause. The Gomel region was receiving the authorities' full attention and the greatest allocation of resources in the effort to combat HIV/AIDS.

26. From the age of 14, teenagers could seek assistance from employment agencies in finding a job during school holidays. During the period under consideration, between 35,000 and 45,000 young people had sought employment over the summer period. The details of those young people were stored in a database that allowed the labour inspectorate to monitor the companies employing them. The practice of sending students to carry out seasonal work in the fields, which dated back to Soviet times, was no longer acceptable.

27. **Ms. Sheremet** (Belarus) said that, in accordance with decisions taken by local executive bodies, employers were required to reserve a number of jobs for young people each year. Contracts were signed between the Ministry of Education and several companies in an effort to secure jobs for young people during school holidays.

28. **Mr. Yakzhik** (Belarus) said that children's rights could be taken as an optional course in mainstream educational establishments. Teachers received additional training in the topic at further training establishments. Special courses on children's rights were taught at higher education establishments, particularly in teacher training institutes. There were publications aimed at schoolchildren that dealt with human rights, international humanitarian law and children's rights. All schools had dedicated areas in which information concerning children's rights was displayed.

29. **Mr. Krappmann** asked whether children's rights were merely taught or whether they were actually respected in the educational system and in children's everyday lives.

30. **Mr. Yakzhik** (Belarus) said that the mark of a good education was to ensure that lessons taught in school were applicable to everyday life. The programmes implemented with the help of UNICEF pursued that objective.

31. **Mr. Lazarev** (Belarus) said that, on 1 January 2010, 592 foreign nationals, including 167 minors (28.2 per cent of the total), had been granted refugee status in Belarus. There was no information indicating the presence of unaccompanied child refugees in the national territory. When considering an application for refugee status, the authorities strove to determine whether the applicant came from an area affected by armed conflict and took that fact into account when taking their final decision. The vast majority of refugees in Belarus came from Afghanistan.

32. **Mr. Emelianov** (Belarus) said that violent acts committed by police officers against minors in custody or during an interrogation gave rise to an internal inquiry. If the facts were substantiated, legal proceedings were instituted against the perpetrators.

33. **The Chairperson** asked whether there was an independent complaints mechanism that allowed children to report such acts.

34. **Mr. Emelianov** (Belarus) said that it was a requirement under the Code of Criminal Procedure that a child detained in a police station should have access to a lawyer, a legal representative and a psychologist. Failing that, the investigation could not be carried out and no evidence could be heard by the courts.

35. No minors had died in a police station in 2010. The delegation did not have figures for 2009 to hand but would look into the statistics and respond to the Committee's question at a later date. If a minor was found dead in a police station, an inquiry was launched immediately and an obligatory medical examination was conducted to determine the cause of death, and in particular to establish whether it had been a violent death. In the event of suicide, an investigation was carried out to determine whether the minor had been pushed to suicide. If that had been the case, legal proceedings would be instituted against those responsible.

36. **Ms. Ortiz** asked whether any information was available on the number of cases brought against police officials for the torture or ill-treatment of minors and the number of sentences handed down.

37. **Mr. Zermatten** (Country Rapporteur) was surprised to hear that there were no unaccompanied child refugees in Belarus. He said that he also thought it likely that there were undocumented child migrants in the national territory. He asked what measures were envisaged by the State party to take care of such children and, in particular, whether they were immediately assigned a guardian or legal representative. He asked why the principle of the best interests of the child had not been incorporated into the new legislation on refugees and whether the State party was prepared to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

39. **Mr. Yakzhik** (Belarus) said that, during the period under consideration, the prosecution service had brought cases against police officials of abuse of power involving adults, but, to his knowledge, no cases had been brought involving minors.

40. **Mr. Lazarev** (Belarus) said that any foreign minor found unaccompanied in the national territory was immediately assigned a guardian responsible for safeguarding his or her rights. In each region, and also at Minsk airport, there were premises for the reception of migrants and refugees, in which a foreign, unaccompanied minor could be placed. In accordance with the new legislation on refugees, any foreign child, including an unaccompanied child, on entering Belarusian territory, enjoyed the same rights as Belarusian children, including the right to comprehensive legal protection and to free primary and secondary education. The new legislation on refugees had been drafted with the help of the relevant international organizations, with full account taken of the relevant provisions of the Convention.

41. **Mr. Yakzhik** (Belarus) added that unaccompanied minors were considered to be at risk and were entitled to the protection granted to children at risk, in addition to the protection provided for by the legislation on refugees. The system in place to assist child refugees was effective. Such children were also entitled to free Russian classes.

42. **Mr. Lazarev** (Belarus) said that, while Belarus was still not a party to the Convention on the Reduction of Statelessness, the Office of the United Nations High Commissioner for Refugees (UNHCR) considered the country's legislation to be fully aligned with the Convention. Belarus was going through the necessary procedures to accede to the Convention and, to that end, had established an action plan in collaboration with UNHCR.

43. **Ms. Aidoo** requested more detailed information on the action that the State party had taken to disseminate the Convention and to raise awareness.

44. **Mr. Yakzhik** (Belarus) said that information on the Convention was disseminated through information kiosks, educational activities and a children's website that provided a wealth of information on children's rights and the Convention and also hosted a discussion forum. Moreover, educational cartoons were shown on television.

45. The measures adopted by Belarus to promote justice for minors had already helped to reduce the number of offences committed and the number of teenagers receiving custodial sentences, but reintegration remained problematic. The Government was engaged in gradually implementing a justice system for minors and establishing special courts, a process that would require training and the modernization of existing structures. All stages of the process must be carefully planned in conjunction with the relevant NGOs and action must be taken to raise the profile of justice for minors and to encourage its acceptance in the public sphere.

46. **Mr. Zermatten** (Country Rapporteur) noted that no progress had been achieved with regard to the implementation of the justice for minors project, which the State party had mentioned a number of years earlier. According to the information available to the Committee, not a single court for minors had been established. He welcomed the fact that relevant NGOs provided technical assistance to the Government but recalled that the primary responsibility for justice matters lay with the State; it was up to the State to carry out the necessary amendments, in particular to the Criminal Code and the Code of Criminal Procedure.

47. He requested information on the duration and conditions of pretrial detention for children and asked the delegation to explain where children were held in such cases and whether they were kept separate from adults. It also seemed that, despite the existence of alternative measures, the courts usually handed down custodial sentences for minors. In that connection, he asked the delegation to confirm that the maximum prison sentence for a minor was 10 years. He also wished to know whether a child who had not reached the age of 18 but had achieved adult status through marriage could be sentenced to capital punishment.

48. He was surprised by the frequent use of the army in the prevention of juvenile crime and requested further information on the military camps for children. He also wished to know whether minors were placed in forced labour camps.

49. **Ms. Herczog** asked whether alternative measures involving restorative justice were applied as part of the justice system for minors.

50. **Mr. Yakzhik** (Belarus) admitted that the process of setting up a justice system for minors was slow but said that each stage must be thoroughly considered and must involve close cooperation with all the parties concerned. The process also required a change in

attitude and must therefore be negotiated with all sectors of society, including religious groups.

51. **Mr. Emelianov** (Belarus) said that women and minors under 18 years of age were not liable to the death penalty. The age of criminal responsibility was 16 years, or 14 years for particularly serious offences, including murder. Pursuant to the Criminal Code, the maximum prison sentence applicable to a minor under 18 years of age was 10 years, regardless of the offence committed and the penalty it otherwise incurred. There were no exceptions to that provision.

52. The duration of police custody was restricted to three hours for minors. During that time, law enforcement officials were required to establish the identity of the individual, to inform his or her parents of the situation and to bring in a juvenile affairs inspector. Minors were always placed in detention facilities that were separate from facilities for adults.

53. He confirmed that there was not yet a court for minors but pointed out that the Criminal Code provided for a special procedure applicable to minors. Judges hearing cases involving minors received the relevant training and had extensive experience of that type of case.

54. **Ms. Herczog**, supported by **Mr. Zermatten** (Country Rapporteur), asked whether, in the light of the high rate of recidivism among youth offenders and the ineffectiveness of custodial sentences, alternative measures had been implemented.

55. **Mr. Yakzhik**, supported by **Mr. Emelianov** (Belarus), said that domestic legislation provided for a number of measures as diversion or alternative to imprisonment, such as warnings, suspended sentences, community service, mediation and restrictions on leisure time. Such measures were used as much as possible and custodial sentences were only very rarely handed down.

56. **Mr. Yakzhik** (Belarus) said that the camps to which Mr. Zermatten referred were not military camps and that the misunderstanding must be due to a translation error. He said that they were education camps managed by the Ministry of Education, where children were taught in a humanitarian spirit about subjects such as civil protection, self-defence, first aid and lifesaving techniques.

57. **Ms. Ortiz** said that, under an agreement signed between Belarus and Italy, Belarusian children were sent on holiday to stay with Italian host families. However, it seemed that a number of them remained in Italy to be adopted. What comments could the delegation make about the issue?

58. **Ms. Zhylevich** (Belarus) said that Belarus had signed agreements with certain countries, such as Italy, that involved sending Belarusian children on summer holidays. In the past, a few children had unsuccessfully attempted to remain in the host country.

59. The traditions and practices of the various communities living in the country did not pose a threat to the health and safety of women. Afghan women refugees in Belarus were not victims of honour killings or other dangerous practices often associated with Islam.

60. **Mr. Zermatten** (Country Rapporteur), concluding the discussion on the implementation of the Convention, said that the Government should establish a specific authority responsible for coordinating strategies and policies relating to children and perhaps finally appoint an ombudsman for children.

61. Clarification was needed on the connections between the various plans relating to children and the Government must ensure that those plans were incorporated into its overall policy on a permanent basis. The State party should also look into the degree of independence enjoyed by NGOs and the security conditions in which their staff worked.

62. Belarusian children enjoyed good access to education, health and social security, but there was still more progress to be made with regard to the prevention of domestic violence, respect for child victims and rehabilitative care. Justice for minors was also an area that deserved further attention and the Government must ensure that court decisions were actually implemented.

63. On the whole, the Belarusian system attached great importance to child protection, which was commendable, but it would be advisable to place further emphasis on the participation of children.

The meeting was suspended at 5.15 p.m. and resumed at 5.25 p.m.

Initial report of Belarus on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BLR/1; CRC/C/OPSC/BLR/Q/1 and Add.1)

64. **Ms. El Ashmawy** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) welcomed the Government's efforts to prosecute and punish individuals involved in child trafficking since the accession of Belarus to the Optional Protocol in 2002. She asked whether the State party intended to make a clear distinction between the concepts of sale and trafficking, pursuant to the Optional Protocol. Likewise, she said that child prostitution should be more clearly defined in order that it might be curbed more effectively. The State party should clearly classify as offences the acts referred to in article 3 of the Optional Protocol. She welcomed the dismantling in 2008 of a criminal network involved in disseminating child pornography but was concerned by the lack of measures to protect and inform children who used the Internet. She wondered about the State party's ability to put an end to certain practices, such as child pornography on the Internet or the solicitation of children for sexual purposes, given that those practices were not criminalized in the Criminal Code.

65. The Committee also regretted that it did not have more information on the cases handled by the national commission responsible for examining complaints involving violations of the rights of the child or on the National Action Plan for the improvement of the situation of children and the protection of their rights.

66. The delegation might wish to indicate whether the State party intended to establish an independent body to investigate complaints of sexual exploitation of children.

67. **Mr. Koompraphant** asked whether there was a specific authority responsible for identifying cases of the sale of children, child prostitution and child pornography and whether there were protection programmes for victims and witnesses. He said he also wished to know the circumstances under which testimony was obtained from victims.

68. **Mr. Puras** asked what specialized rehabilitation services had been set up for child victims of the offences laid out in the Optional Protocol, whether Government child protection bodies cooperated with NGOs and whether the State planned to make a greater financial contribution to services that were still provided essentially by NGOs.

69. **Mr. Pollar** asked whether the Criminal Code criminalized the trafficking of human organs and whether the sale of children was expressly prohibited by law. Noting that under article 17.5 of the Code of Administrative Offences the practice of prostitution was considered an administrative offence, he said he wondered about the compatibility of that provision with the Optional Protocol. Clarification was also needed on whether legal persons guilty of the offences laid out in the Optional Protocol were subject to confiscation of their assets by the court.

70. **Ms. Al-Asmar** asked what role the media played in preventing child pornography and whether the principles of the Optional Protocol were disseminated in schools.

71. **Mr. Citarella** asked whether domestic legislation covered all offences associated with child pornography, including the import, export and possession of child pornography, and whether the State party had taken measures to combat sexual tourism.

72. **Ms. Aidoo** welcomed the active collaboration of Belarus with the international community in combating child trafficking and asked what measures had been taken to raise awareness among the general public of the issues laid out in the Optional Protocol.

73. **Mr. Filali** asked whether Belarus had established extraterritorial jurisdiction for offences referred to in the Optional Protocol committed abroad by a Belarusian national or by a foreigner residing in Belarus.

74. **Mr. Zermatten** asked whether dual criminality was required to convict a Belarusian who had committed abroad acts referred to in the Optional Protocol. He also wished to know whether a confrontation between a child victim and a perpetrator was necessary for criminal proceedings to be initiated or whether it was possible to use recordings of a child's testimony or videoconferencing. He also asked whether there was a maximum number of hearings to which a child could be subjected, whether victims could receive free legal aid, whether there was a compensation fund for victims and whether witnesses were protected against possible reprisals.

75. Lastly, he pointed out that, in the absence of an extradition treaty between Belarus and a third country, the Optional Protocol could be used as a basis for extradition.

76. **The Chairperson** asked which Government body was responsible for monitoring and following up the implementation of the Optional Protocol and what budget was allocated for that task.

The meeting rose at 5.50 p.m.