



**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
2 - 20 August 2004

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

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

BELARUS

1. The Committee considered the fifteenth to seventeenth periodic reports of Belarus, submitted in one document (CERD/C/431/Add.9), at its 1649th and 1650th meetings (CERD/C/SR.1649 and 1650), held on 5 and 6 August 2004. At its 1667th meeting (CERD/C/SR.1667), held on 18 August 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party and the opportunity to resume its dialogue with the State party in a constructive manner. Furthermore, the Committee takes note that the report addresses some of the concerns and recommendations set forth by the Committee relating to the fourteenth periodic report. However, it notes the lack of sufficient information in the report on the practical implementation of the Convention.

B. Positive aspects

3. The Committee notes with satisfaction the State party's accession in 2001 to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the adoption of implementing legislation.

4. The Committee notes with appreciation the information provided by the delegation on the preparation of a draft national plan of action on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

5. The Committee notes with appreciation the State party's efforts to adopt new legislation in compliance with the standards set by international human rights instruments, in particular, the standards set by the Convention.

6. The Committee welcomes the State party's efforts to include human rights education in school curricula.

C. Concerns and recommendations

7. The Committee draws the attention of the State party to racist and xenophobic incidents in Belarus.

The Committee encourages the State party to continue to monitor all tendencies that give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee also recommends that the State party intensify its efforts to ensure to everyone within its jurisdiction effective protection and remedies against acts of racial discrimination.

8. The Committee expresses concern over the dissemination of racist, discriminatory and xenophobic, in particular, anti-Semitic propaganda on the Internet, while acknowledging the efforts undertaken by the State party to curtail such phenomena.

While reminding the State party of its obligation to respect the right to freedom of opinion and expression when implementing article 4 of the Convention in the context of the Committee's general recommendation XV, the Committee recommends to the State party that it strengthen its efforts to combat racist propaganda on the Internet. The Committee further requests that the State party provide in its next periodic report detailed information on measures taken in this field.

9. While acknowledging the awareness-raising efforts made by the State party, the Committee notes with concern that Belarus is a country of transit for the trafficking of women and girls for the purpose of sexual exploitation.

The Committee recommends to the State party that it reinforce ongoing efforts to prevent and combat trafficking and provide support and assistance to victims, wherever possible in their own language. Furthermore, the Committee urges the State party to make determined efforts to prosecute the perpetrators and underlines the paramount importance of prompt and impartial investigations.

10. With respect to article 5, the Committee reiterates its regrets regarding the lack of information on the situation of minority groups and their enjoyment of all human rights. In particular, it notes the paucity of information on the Roma.

The Committee renews its request that the State party include detailed information in its next periodic report on the situation of minority groups, in particular Roma. In this connection, the Committee draws the attention of the State party to its general recommendation XXVII and encourages it to adopt or make more effective legislation prohibiting discrimination in employment and all discriminatory practices in the labour market affecting members of Roma communities and to protect them against such practices.

11. The Committee regrets the paucity of information in the State party's report on the fundamental rights of non-citizens temporarily or permanently residing in Belarus, including stateless persons, refugees and migrant workers.

The Committee requests the State party to include further information on the enjoyment of rights by non-citizens residing in Belarus, in particular stateless persons, refugees and migrant workers, in its next periodic report. In this regard, the Committee draws the attention of the State party to its general recommendation XXX on discrimination against non-citizens and invites the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. While taking note of the legislative provisions providing for the right to effective protection and remedies in the State party, the Committee reiterates its concern over the lack of specific information and statistics on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied.

The Committee requests that the State party include in its next periodic report statistical information on prosecutions launched, and penalties imposed, in cases of offences that relate to racial discrimination and where the relevant provisions of the existing domestic legislation have been applied. The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be largely an indication of the absence of relevant specific legislation, a lack of awareness of the availability of legal remedies, or insufficient will by the authorities to prosecute. It is therefore essential to provide for the relevant provisions in national legislation and to inform the public of the availability of all legal remedies in the field of racial discrimination. The Committee also encourages the State party to continue its efforts to foster independence of the judiciary in the light of the findings of the special rapporteur on the independence of the judges and lawyers following his mission to Belarus in 2001 (see E/CN.4/2001/65/Add.1).

13. The Committee notes that insufficient information was provided on the effective functioning of the national bodies and mechanisms whose mandate includes combating racial discrimination, in particular, the State Committee on Religious and Ethnic Affairs of the Council of Ministers of the Republic of Belarus and its regional executive committees and the Minsk municipal executive committees. The Committee further notes the lack of information on initiatives taken by the State party to establish a national human rights institution, despite the Committee's previous recommendation in this regard.

The Committee recommends that in its next periodic report, the State party provide additional information on the role, responsibilities, functioning and achievements of all institutions working in the area of racial discrimination. Furthermore, the Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134), to monitor

and evaluate progress in the implementation of the Convention at the national and local levels.

14. The Committee again expresses its regret that the State party has not provided sufficient information on measures taken to educate law enforcement officials, members of political parties and media professionals on the provisions of the Convention.

The Committee encourages the State party to expand and strengthen the existing efforts in human rights education beyond the school system in order to promote understanding and tolerance among all racial and ethnic groups in society. In this regard, particular attention should be paid to general recommendation XIII, according to which law enforcement officials should receive intensive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour or national or ethnic origin.

15. The Committee notes the lack of sufficient information on efforts taken by the State party to involve non-governmental organizations in the preparation of the periodic report and expresses concern over the restrictions placed by the authorities on civil society organizations, including organizations working to combat racial discrimination.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations that contribute to promoting human rights and combating racial discrimination. Furthermore, the Committee recommends that they be consulted during the preparation of the next periodic report.

16. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention, despite the assurances given to the Committee in 1997 that it was considering so doing. The Committee strongly recommends that the State party consider the possibility of making the declaration.

17. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal was reiterated by the General Assembly in resolution 58/160.

18. The Committee recommends that the State party consider withdrawing its reservation to article 17 of the Convention.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention. It further recommends that it include in its next periodic report information on measures taken to implement the Durban Declaration and Programme of Action at the national level, in particular the preparation and implementation of the national plan of action.

20. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

21. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report on 8 August 2008, and that it address in this report all points raised in the present concluding observations.
