

# Combined fourth, fifth and sixth periodic report

## Belarus

### Concluding observations : 30<sup>th</sup> session

317. The Committee considered the combined fourth, fifth and sixth periodic report of Belarus (CEDAW/C/BLR/4-6) at its 643rd and 644th meetings, on 23 January 2004 (see CEDAW/C/SR.643 and 644).

#### **Introduction by the State party**

318. In introducing the report, the representative of Belarus noted that the combined report covered the period from 1994 to 2001, and discussed the National Plan of Action for 1996-2000, the national programme entitled "Women of the Republic of Belarus" and institutional and administrative measures to guarantee the equal rights of men and women. Attention was drawn to new or amended legislation, including the civil code (1999), the code on marriage and family (1999) and the labour code (2000). The national gender policy for 2000-2004 had been based on the concluding comments adopted by the Committee upon its consideration of the third periodic report of Belarus. In October 2003, Belarus had adopted a domestic law on ratification of the Optional Protocol to the Convention.

319. A National Council on Gender Policy had been established under the Council of Ministers in May 2000. The National Plan of Action for the period 2001-2005 had been drawn up in accordance with the Beijing Platform for Action and the concluding comments of the Committee. Local authorities were entrusted with the development of special programmes to promote women's employment, protect women's health and secure their reproductive rights. The further development of gender statistics allowed for a comparative gender analysis. The representative highlighted the positive impact of the social partnership between women's public associations and government structures on the status of women.

320. The share of women in decision-making positions had been growing. For example, in the 2000-2001 elections, the percentage of women in the National Assembly had increased from 4.5 per cent to 12.7 per cent. Owing to a quota system for the Council of the National Assembly, women now held 28.1 per cent of the Council's seats. Women constituted 44.4 per cent of the membership of local councils in 2003, but that percentage had decreased at higher levels of decision-making.

321. Unemployed women had access to professional services as well as psychological and social support, including job fairs, the employment promotion fund, paid public work and professional training for marketable professions, including for potential self-employment. Jobs for women had also been generated. In 2003, 59.4 per cent of unemployed women had received professional training, and women had received 55.5 per cent of State loans and subsidies. The Labour Code contained regulations concerning work by women and workers with family obligations, as well as parental leave. Families with under-age dependants were more economically vulnerable and received various forms of financial subsidies and benefits.

322. Turning to questions of health, the representative identified a number of challenges, including widespread alcoholism, drug addiction, tuberculosis and sexually transmitted diseases. There were also a number of positive developments, however, including an improved ability to diagnose gynaecological diseases, including tumours, the development of the

reproductive health protection system and the greater availability of information on family planning and reproductive health, as well as a decrease in the number of abortions and an increase in the use of modern contraceptives. While the lack of financial resources was a major obstacle in fighting the spread of HIV/AIDS, a number of measures had been taken to prevent mother-to-child transmission of HIV.

323. Violence against women was one of the main challenges to achieving gender equality. Some 30 per cent of women in Belarus experienced domestic violence and 12 per cent were subjected to sexual harassment in the workplace. Perpetrators of domestic violence were now registered and were subject to various forms of sanction and punishment. Victims of domestic violence received psychological assistance. Belarus had ratified the United Nations Convention against Transnational Organized Crime and the three Optional Protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and had adopted a programme to prevent traffic in persons and prostitution for the period 2002-2007.

324. Among the obstacles to improving the status of women were the lack of financial resources, the persistence of gender stereotypes and the lack of men's involvement in the work on gender equality. The representative noted that, although the country had no discriminatory legislation, legislative guarantees were not always fully implemented. In conclusion, the representative assured the Committee of the readiness of the delegation for a constructive dialogue.

### **Concluding comments of the Committee**

#### **Introduction**

325. The Committee commends the State party for its combined fourth, fifth and sixth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It expresses appreciation for the written replies to the issues and questions raised by the Committee's pre-session working group, noting that not all the questions were answered. The Committee appreciates the oral presentation by the State party, which provided additional information on the current situation with regard to the implementation of the Convention in Belarus.

326. The Committee welcomes the State party's delegation and appreciates the constructive dialogue held between the delegation and the members of the Committee.

327. The Committee notes with satisfaction that government action, including the national plan of action for gender equality for the period 2001-2005, is placed within the context of the implementation of the Beijing Platform for Action and the concluding comments of the Committee.

328. The Committee welcomes the steps taken by the State party to ratify the Optional Protocol to the Convention.

#### **Positive aspects**

329. The Committee commends the State party for the legislative reforms in support of the goal of gender equality, including the marriage and family code of 1999, the civil code of 1999, the labour code of 2000 and the criminal code of 2001. The Committee welcomes the efforts of the State party to review existing legislation and to enact new legislation in conformity with international standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women. The Committee welcomes the intention of the State party to elaborate and adopt a new law on gender equality.

330. The Committee commends the State party for the amendments to the Citizenship Act of October 1991, which grant women equal rights with men

with respect to the nationality of children and with respect to the procedure for acquiring, changing or retaining nationality.

331. The Committee welcomes the increase in representation of women in the House of Representatives of the National Assembly and in the local councils of deputies. It also welcomes the use of a quota-based principle in forming the National Assembly's Council of the Republic.

332. The Committee welcomes the increase in the number of women members of the Supreme Court. It notes with satisfaction the high numbers of women judges and lawyers.

### **Principal areas of concern and recommendations**

333. The Committee expresses concern that, while article 22 of the Constitution states that all citizens have the right, without any discrimination, to equal protection of their rights, the Constitution does not contain a prohibition of discrimination on the basis of sex or an explicit provision on gender equality.

**334. The Committee urges the State party to include in its Constitution a provision prohibiting discrimination on the basis of sex or an explicit provision on gender equality.**

335. While noting the incorporation in a number of laws of provisions prohibiting discrimination on the basis of sex, the Committee expresses concern that the State party has not yet adopted a law on gender equality.

**336. The Committee encourages the speedy elaboration and adoption of a law on gender equality that includes a definition of direct and indirect discrimination according to the Convention and a basis for applying temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25.**

337. The Committee is concerned that the State party lacks a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas.

**338. The Committee recommends that the State party ensure a holistic approach to all policies and programmes devoted to achieving equality between women and men. The Committee recommends that gender-mainstreaming in all public institutions, policies and programmes be introduced through gender training and the creation of focal points. The Committee requests the State party to include in its next periodic report sex-disaggregated data in all areas of the Convention.**

**339. The Committee is concerned about the persistence of stereotypes relating to the roles and responsibilities of women and men in society, which tend to place responsibility for child-rearing primarily on women. Such stereotypes undermine women's social status and are an obstacle to the full implementation of the Convention.**

**340. The Committee urges the State party to intensify its efforts to eliminate stereotypical attitudes and perceptions regarding men's and women's roles and responsibilities in all areas of society. It urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to both women and men. It also recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.**

341. The Committee is concerned that there is insufficient awareness of the Convention and the procedures for its application and enforcement, as well as of women's human rights in general, including among the judiciary, law enforcement personnel and women themselves.

**342. The Committee urges the State party to introduce education and training programmes on the Convention, in particular for parliamentarians, the judiciary, the police and other law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their human rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention.**

343. The Committee is concerned about the insufficient cooperation of the authorities with non-governmental organizations and women's associations in the implementation of the Convention. The Committee is further concerned about the lack of an enabling environment for the establishment and operation of women's non-governmental organizations and for encouraging the more active involvement of civil society in promoting gender equality.

**344. The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report. The Committee also recommends that the State party enable the establishment and operation of women's non-governmental organizations, and encourage and facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights.**

345. While recognizing the establishment of the National Council on Gender Policy in 2000, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, decision-making power or financial and human resources to effectively promote the advancement of women and gender equality. While noting that a decision was adopted in 2003 to renew the Council's composition, the Committee is concerned about the suspension of the work of the Council over the past few years.

**346. The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, decision-making power and human and financial resources at all levels and enhancing coordination among the existing mechanisms at the national and local levels for the advancement of women and the promotion of gender equality.**

347. While noting that a draft law on the prevention and suppression of domestic violence has been elaborated, the Committee expresses concern about the increasing incidence of violence against women in Belarus, including domestic violence.

**348. The Committee urges the State party to place high priority on implementing comprehensive measures to address violence against women in the family and in society, in accordance with its general recommendation 19. The Committee calls upon the State party to enact the draft law on the prevention and suppression of domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid, as well as accessible shelters in sufficient numbers and with adequate funding. The Committee also recommends that the State party ensure that public officials, especially the police and other law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to take awareness-raising measures to prevent and combat violence against women through the media and public education programmes. The Committee requests the State party to provide in its next periodic report information on the measures taken.**

349. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including provisions on trafficking in persons in the new Criminal Code and the adoption of the national programme of comprehensive measures to prevent traffic in persons and prostitution for the period 2002-2007, the Committee remains concerned about the problem of trafficking in women in Belarus and about the lack of detailed data and information on the phenomenon.

**350. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the Government to ensure more severe punishment of traffickers, and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers. It recommends that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls. The Committee also requests the State party to provide information on the measures taken to address the causes of trafficking and to combat this phenomenon, and on the impact of these measures.**

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

**352. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market.**

353. The Committee is concerned about the feminization of poverty, particularly among vulnerable groups of women, such as those heading households, older women and rural women.

**354. The Committee requests the State party to ensure that all poverty alleviation programmes fully benefit women, according to their needs, and to provide in its next periodic report information on the measures taken to improve the economic situation of women, particularly those belonging to vulnerable groups.**

355. The Committee is concerned about the general decline in the status of women's health, as well as the decline in women's access to health services.

The Committee is also concerned at the continuing use of abortion as a primary method of birth control, teenage pregnancy, the deterioration of the health of pregnant women and the spread of sexually transmitted diseases, including HIV/AIDS. The Committee is concerned at the continuing negative impact of the Chernobyl disaster on women's health.

**356. The Committee recommends the full implementation of a holistic, life cycle approach to women's health, including access to affordable health care, the financial and organizational strengthening of family planning programmes and the provision of wide access to contraceptives for all women and men, in accordance with its general recommendation 24 on women and health. It urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys in order to foster responsible sexual behaviour and further discourage abortion as a means of birth control. The Committee requests the State party to provide in its next periodic report more information and data on the prevalence of, and measures taken against, sexually transmitted diseases, including HIV/AIDS, among women, as well as on the efforts of the State party to further address the impact of the Chernobyl disaster on women.**

357. While recognizing an increase in the representation of women in the House of Representatives of the National Assembly, in the local councils of deputies and on the Supreme Court, as well as the use of a quota-based principle in forming the National Assembly's Council of the Republic, the Committee remains concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels and in decision-making positions, including the diplomatic service.

**358. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to implement women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making.**

359. The Committee is concerned about the lack of information in the report on minority women and the scarce data on migrant and older women.

**360. The Committee requests the State party to provide in its next periodic report information and data on minority, migrant and older women, including their economic, employment and health situation.**

**361. The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

**362. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under article 18 of the Convention.**

363. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World

Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

**364. The Committee requests that the present concluding comments be widely disseminated in Belarus in order to make the people of Belarus, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**