



# General Assembly

Distr.: General  
17 February 2010

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Eighth session**  
Geneva, 3-14 May 2010

**Compilation prepared by the Office of the High  
Commissioner for Human Rights in accordance with  
paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1**

**Belarus**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	8 April 1969	Yes <sup>3</sup> (art. 17, para. 1)	Individual complaints (art. 14): No
ICESCR	12 Nov. 1973	None	-
ICCPR	12 Nov. 1973	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	30 Sept. 1992	None	-
CEDAW	4 Feb. 1981	None	-
OP-CEDAW	3 Feb. 2004	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	13 March 1987	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	1 Oct. 1990	None	-
OP-CRC-AC	25 Jan. 2006	Binding declaration under art. 3: 18 years	-
OP-CRC-SC	23 Jan. 2002	Yes <sup>4</sup> -	
<i>Core treaties to which Belarus is not a party: OP-ICESCR<sup>5</sup>, ICCPR-OP 2, OP-CAT, ICRMW, CRPD, CRPD-OP and CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		No	
Palermo Protocol <sup>6</sup>		Yes	
Refugees and stateless persons <sup>7</sup>		Yes, except 1954 and 1961 Conventions	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>8</sup>		Yes, except Additional Protocol III	
ILO fundamental conventions <sup>9</sup>		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. In 2004, the Committee on the Elimination of all Forms of Racial Discrimination (CERD) invited Belarus to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>10</sup> It strongly recommended that Belarus consider the possibility of making the declaration provided for in article 14 and ratify the amendments to article 8, paragraph 6 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It also recommended that Belarus consider withdrawing its reservation to article 17 of the Convention.<sup>11</sup>

2. In 2005, the Special Rapporteur on the situation of human rights in Belarus recommended that Belarus consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2)<sup>12</sup> and sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearances (CED).<sup>13</sup>
3. In 2009, the United Nations Country Team (UNCT) recommended that Belarus accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>14</sup>
4. In 2000, the Committee against Torture (CAT) recommended that Belarus consider making the appropriate declarations under articles 21 and 22 of the Convention.<sup>15</sup>

## **B. Constitutional and legislative framework**

5. In 2009, the UNCT noted that Belarus had recently adopted a number of legal instruments on protection of children in conflict with the law<sup>16</sup> and highlighted that children's protection from violence, trafficking and all types of exploitation are included in, inter alia, the Law On Child's Rights.<sup>17</sup>
6. In 2004, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed a concern that the Constitution did not contain a prohibition of discrimination on the basis of sex or an explicit provision on gender equality and that Belarus had not yet adopted a law on gender equality.<sup>18</sup> In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) trusted that the plan to adopt gender equality legislation will be further pursued.<sup>19</sup>
7. In 2008, the ILO Committee of Experts urged the Government to ensure that the new law on trade unions will fully ensure freedom of association and the rights of all workers to form and join organizations of their choosing.<sup>20</sup>

## **C. Institutional and human rights infrastructure**

8. As of 11 February 2010, Belarus does not have a national human rights institution (NHRI) accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>21</sup>
9. In 2007, the Special Rapporteur on the situation of human rights in Belarus noted that protection mechanisms remained weak, and that there was no national human rights institution.<sup>22</sup> In 2004, CERD encouraged Belarus to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles.<sup>23</sup>
10. In 2009, the UNCT highlighted that, in 2006, Edict No.675 significantly expanded the composition, authority and functions of the National Commission on Rights of the Child set up in 1996. Being an inter-ministerial steering committee, the National Commission on Rights of the Child is responsible, inter alia, for providing protection of children's rights and legitimate interests and monitoring implementation of the national programmes to support children and families.<sup>24</sup>
11. In 2009, United Nations Office on Drugs and Crime (UNODC) mentioned that, in 2007, Belarus established an International Training Centre on migration and combating trafficking aimed at promoting international cooperation to prevent human trafficking and conducting training for government officials involved in prevention of illegal migration and trafficking in persons and organised a wide range of public awareness activities on human trafficking.<sup>25</sup>

12. In 2004, CEDAW expressed concern that the national machinery for the advancement of women did not have sufficient visibility, decision-making power or financial and human resources to effectively promote the advancement of women and gender equality.<sup>26</sup>

## D. Policy measures

13. In 2009, the UNCT indicated that the Government introduced a plan for gender equality for 2008-2010 and that the National Council on Gender Policy has been delegated to supervise its implementation.<sup>27</sup> It also noted that Belarus had adopted two sequential State Programmes on Countering Human Trafficking for 2002-2007 and 2008-2010.<sup>28</sup>

14. In 2005, Belarus adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.<sup>29</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>30</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2004	2004	-	Combined eighteenth and nineteenth reports overdue since 2008
CESCR	1995	1996	-	Fourth report overdue since 1999
HR Committee	1997	1997	-	Fifth report overdue since 2001
CEDAW	2002	2004	-	Seventh report due in 2006, submitted in 2009
CAT	1996	2000	-	Fourth report overdue since 2000, submitted in 2009
CRC	1999	2002	-	Combined third and fourth reports due in 2007, submitted in 2008
OP-CRC-AC			-	Initial report overdue since 2008, submitted in 2009
OP-CRC-SC			-	Initial report overdue since 2004, submitted in 2009

15. In 2007, the Special Rapporteur on the situation of human rights in Belarus noted that Belarus did not comply with reporting obligations under the treaties it has ratified and, thus, outstanding reports were not forwarded respectively to the Committee on Economic, Social and Cultural Rights (CESCR), the Human Rights Committee (HR Committee), CAT, CEDAW, and the Committee on the Rights of the Child (CRC) under the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC).<sup>31</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on trafficking in persons, especially in women and children (18-24 May 2009); <sup>32</sup> Working Group on Arbitrary Detention (16-26 August 2004) <sup>33</sup>
<i>Visits agreed upon in principle</i>	In November 2009, Belarus invited eight special procedures mandate holders <sup>34</sup> to visit the country at a date to be mutually agreed. <sup>35</sup>
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to freedom of opinion and expression (requested in 2003. Follow-up request in 2006), Special Rapporteur on human rights defenders (requested in 2002. Follow-up request in 2004), Special Rapporteur on torture (requested in 2005. Follow-up request in 2007).
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on trafficking in persons, especially in women and children, expressed her gratitude to the Government for extending an invitation to embark on the mission to Belarus from 18 to 24 May 2009. <sup>36</sup>
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 32 communications were sent. The Government replied to 18 communications.
<i>Responses to questionnaires on thematic issues</i>	Belarus responded to nine of the 21 questionnaires sent by special procedures mandate holders. <sup>37</sup>

16. In its resolution 2004/1, the Commission on Human Rights decided to appoint a special rapporteur to establish direct contacts with the Government and with the people of Belarus, with a view, inter alia, to examining the situation of human rights.<sup>38</sup> The mandate of the Special Rapporteur on the situation of human rights in Belarus was extended in 2005 and 2006.<sup>39</sup> The Special Rapporteur regretted that the Government, in 2006, as in 2004 and 2005, did not respond favourably to his request to visit the country and has in general not cooperated with him in the fulfilment of his mandate.<sup>40</sup> He noted that the Government had not considered any of his recommendations<sup>41</sup> and urged Belarus to recognize the mandate of the Special Rapporteur.<sup>42</sup> In 2007 and 2008, as noted in the resolutions of the General Assembly, a concern was expressed about the failure of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the Special Rapporteur.<sup>43</sup>

17. In 2004, Belarus noted that it stands against the practice of country-specific resolutions, as it is counterproductive and runs counter to the principle of a constructive and respectful dialogue based on a universal, non-selective and objective approach. Belarus reiterated its rejection of the resolution 2004/14, including the mandate of the Special Rapporteur contained therein.<sup>44</sup> The mandate of the Special Rapporteur was not included in the list of mandates that were renewed in June 2007 by the Institutional Building package.<sup>45</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

18. At the invitation of the Government, OHCHR conducted a needs assessment visit to Belarus from 30 November to 2 December 2009 and has proposed a continuous cooperation for the implementation of UPR outcomes.<sup>46</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

19. In 2004, CEDAW expressed a concern about the persistence of stereotypes relating to the roles and responsibilities of women and men in society and urged intensifying efforts to eliminate stereotypical attitudes and perceptions regarding men's and women's roles and responsibilities in all areas of society.<sup>47</sup>

20. In 2009, the ILO Committee of Experts noted that section 170 of the Penal Code may not provide adequate protection from sexual harassment in the workplace, as the burden of proof in criminal cases is very high. Certain practices may not amount to behavior punishable under this provision, but nevertheless constitute gender discrimination in the form of sexual harassment. The Committee requested that measures be taken to define, prohibit and prevent sexual harassment in the workplace.<sup>48</sup>

21. In 2004, CERD drew the attention of Belarus to racist and xenophobic incidents and recommended that it intensify its efforts to ensure, to everyone within its jurisdiction, effective protection and remedies to address acts of racial discrimination.<sup>49</sup> It also recommended strengthening its efforts to combat racist propaganda on the Internet.<sup>50</sup>

22. In 2009, the ILO Committee of Experts requested the Government to put in place appropriate measures to allow an assessment of the position of ethnic minorities in the labour market.<sup>51</sup> CERD encouraged adopting or making more effective legislation to prohibit discrimination in employment and all discriminatory practices in the labour market affecting members of Roma communities.<sup>52</sup>

23. In 2009, the ILO Committee of Experts requested the Government to indicate whether it was considering amending the Labour Code to introduce an explicit prohibition of indirect discrimination in employment and occupation<sup>53</sup> and whether any measures have been taken or envisaged to ensure that foreign workers are protected against discrimination at work based, inter alia, on race, colour, sex, religion.<sup>54</sup>

### **2. Right to life, liberty and security of the person**

24. In 2000, CAT expressed concern about, inter alia, the continuing use of the death penalty and the inadequate procedures for appeals, lack of transparency about those being held on death row and the reported refusal to return the bodies of those executed to their relatives.<sup>55</sup> The Special Rapporteur on the situation of human rights in Belarus expressed similar concerns.<sup>56</sup> In 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted that Belarus does not publish annual statistics on the death penalty, nor does it provide the names or details of individuals who have already been executed.<sup>57</sup> The Special Rapporteur on the situation of human rights in Belarus welcomed the recommendations of the Constitutional Court to abolish the death penalty, or, as a first step, to introduce a moratorium.<sup>58</sup>

25. The Special Rapporteur on the situation of human rights in Belarus was concerned about reports concerning the absence of a satisfactory conclusion to investigations into the disappearances, during 1999 and 2000, of four opposition figures.<sup>59</sup> In 2009, allegations were transmitted by the Working Group on enforced or involuntary disappearances regarding three of the above-mentioned disappearances that remain outstanding since 1999. The Government replied that it would extend investigations.<sup>60</sup>

26. CAT was concerned, inter alia, over the absence of a definition of torture in the domestic legislation, the lack of a specific offence of torture and about the numerous continuing allegations of torture and other cruel, inhuman and degrading punishment or treatment, particularly affecting political opponents and peaceful demonstrators.<sup>61</sup>

27. In 2009, the UNCT indicated that Belarus has established a system of rendering assistance to children who have become victims of violence.<sup>62</sup> In 2002, CRC recommended, *inter alia*, investigating effectively cases of domestic violence and ill-treatment and abuse of children and prohibiting all forms of corporal punishment.<sup>63</sup>

28. In 2004, CEDAW expressed a concern about the increasing incidence of violence against women, including domestic violence.<sup>64</sup> In 2009, the UNCT noted that Belarus does not have legislation on violence against women and highlighted that an interest was expressed to develop such.<sup>65</sup> CEDAW called upon Belarus to ensure, *inter alia*, that violence against women be prosecuted and punished and recommended that women victims of violence be accorded immediate means of redress and protection.<sup>66</sup>

29. The Working Group on arbitrary detention indicated that conditions of pretrial detention are much worse than those of convicted persons.<sup>67</sup> CAT recommended that efforts be made to improve conditions in prisons and pretrial detention centres and that Belarus establish a system allowing for inspections of prisons and detention centres by impartial monitors.<sup>68</sup> In 2006 and 2007, allegations were transmitted by the Special Rapporteur on the question of torture concerning, among others, overcrowding and hygienic and nutritional conditions in detention places. The Government provided, information, *inter alia*, on the situation in the places of detention.<sup>69</sup> In 2008, an allegation was transmitted by special procedures concerning, *inter alia*, harsh conditions in a pretrial detention centre and a correctional colony. The Government provided a response denying allegations.<sup>70</sup>

30. The Working Group on arbitrary detention noted that the pretrial detention regime is the same for all detainees, men, women and minors alike. It noted that the harsh conditions lead to worse consequences for minors because of their vulnerability.<sup>71</sup> In 2009, the Government reported about implemented measures to reduce the number of persons being held in remand centres and prisons to provide detainees with living space required under the health standards.<sup>72</sup>

31. In 2009, the UNCT noted that Belarus is a country of both origin and transit of trafficking in human beings and is becoming a country of destination.<sup>73</sup> CERD and CRC expressed their concerns about the situation.<sup>74</sup> The UNCT identified the following needs to be particularly addressed by the Government: introduction of the State compensation fund for victims of trafficking, establishment and state-sustained operation of the State rehabilitation center for victims of trafficking, and modernization of the current National Referral System.<sup>75</sup> CEDAW recommended, *inter alia*, strengthening measures aimed at improving the economic situation of women, as well as social support, rehabilitation and reintegration measures for victims of trafficking.<sup>76</sup>

### **3. Administration of justice, including impunity and the rule of law**

32. In 2004, the Working Group on arbitrary detention expressed concern that the procedures relating to tenure, disciplinary matters and dismissal of judges at all levels do not comply with the principles of independence and impartiality of the judiciary. The Working Group was particularly concerned that the judges of the Constitutional Court and the Supreme Court can be dismissed by the President without any safeguards.<sup>77</sup> In 2000, CAT expressed similar concerns.<sup>78</sup> In 2009, the Working Group took note of information submitted by the Government that a new Code on the Judicial System and the Status of Judges entered into force in January 2007. According to the Government, the Code set forth all the fundamental principles necessary for safeguarding judicial independence.<sup>79</sup>

33. The Working Group on arbitrary detention was concerned at the lack of independence of lawyers and of the Bar Association and the restrictions imposed on the exercise of their profession.<sup>80</sup> CAT expressed concern about the Presidential Decree, which

restricts the independence of lawyers, subordinating them to the control of the Ministry of Justice and introducing obligatory membership in a State-controlled Collegium of Advocates.<sup>81</sup>

34. The Working Group on arbitrary detention recommended that legislation be aligned with international law standards in order to ensure the respect for the presumption of innocence, for the principles of opposition and adversarial procedure and equality of means in all phases of the criminal procedure.<sup>82</sup> In 2007, the Special Rapporteur on the situation of human rights in Belarus noted information that trials are often held behind closed doors without adequate justification and the right to appeal is limited, as the Supreme Court acts in many cases as the court of first instance, leaving no possibility for an appeal.<sup>83</sup>

35. Since 2000, the HR Committee has found violations against Belarus in seventeen cases in which five cases involve, *inter alia*, violations of humane treatment,<sup>84</sup> as well as the right to a fair trial and to lawful detention and to humane conditions of detention.<sup>85</sup> In all of these cases, it has requested Belarus to provide the victims with an effective remedy, including compensation, and to take steps to prevent similar violations occurring in the future. Belarus has either challenged the Committee's Views<sup>86</sup> or not provided any response.<sup>87</sup>

36. In 2004, the Working Group on arbitrary detention invited Belarus to reconsider the legal framework regarding administrative detention and recommended to ensure, *inter alia*, that administrative detention is not used to repress peaceful demonstrations, the dissemination of information or the exercise of freedom of expression.<sup>88</sup> In 2006, the Special Rapporteur made similar comments.<sup>89</sup> In 2009, the Working Group on arbitrary detention took note of information submitted by the Government that a new Code of Administrative Procedure and Enforcement entered into force in 2007, which provide the rights and duties of participants in administrative proceedings.<sup>90</sup>

37. The Working Group on arbitrary detention was concerned about the excessive powers granted to the Prosecutor's office and investigators during the pretrial detention phase. It noted the decision to keep a person in detention or to extend the period of his or her detention is taken not by a judge, but by the public prosecutor.<sup>91</sup>

38. The Working Group noted the heavy reliance on pretrial detention, even for juveniles.<sup>92</sup> In 2009, the UNCT mentioned that deprivation of liberty for children in conflict with the law has not become measure of last resort.<sup>93</sup> CRC took note of the same situation.<sup>94</sup> It encouraged, *inter alia*, ensuring that pretrial detention is an exceptional measure applied only when alternative measures to detention have proven ineffective.<sup>95</sup>

39. CRC recommended, *inter alia*, expediting the establishment of a specific system of juvenile justice.<sup>96</sup> The Working Group on arbitrary detention made a similar recommendation.<sup>97</sup> In 2009, the UNCT noted that the juvenile justice system is in the process of being set up.<sup>98</sup>

40. In 2008, under the resolution of the General Assembly, Belarus was urged, *inter alia*, to: (a) suspend from their duties officials implicated in any case of enforced disappearances, summary execution and torture, and ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal; and (b) investigate and hold accountable those responsible for the mistreatment and detention of human rights defenders and members of political opposition.<sup>99</sup>

41. Between 2006 and 2009, a number of allegations were transmitted by special procedures regarding cases of journalists, lawyers, human rights defenders, and members of political organizations, who had allegedly been sometimes detained, beaten, and/or charged with administrative and criminal offences and, in a number of cases, sentenced to fines and



various terms of imprisonment.<sup>100</sup> Where it responded, Belarus provided detailed information on the situations and relevant procedures.<sup>101</sup>

#### **4. Right to family life**

42. Noting the official priority policy on deinstitutionalization, in 2002 CRC, expressed serious concern, *inter alia*, about the high number of children deprived of a family environment and placed in institutions.<sup>102</sup> It recommended that Belarus, *inter alia*, take effective measures to prevent and reduce the abandonment of children and to increase and strengthen foster care, family-type foster homes and other family-based alternative care, to place children in institutions only as a measure of last resort and to improve conditions in institutions.<sup>103</sup> A 2009 UNICEF report indicated that although the rate of children in formal care has not decreased from 2002 to 2008, the rate of children in residential care has been gradually going down. The proportion of children placed in family-based substitute care to those in residential care has risen from 42 per cent in 2002 to 58 per cent in 2008.<sup>104</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

43. In 2006, the Special Rapporteur on the situation of human rights in Belarus noted that the 2002 Law on Religion restricts the ability of religious organizations to conduct religious education, requires all religious groups to receive government approval to distribute literature, prohibits foreigners from leading religious organizations and imposes registration.<sup>105</sup> In 2007, he also noted that the Orthodox Church still benefited from privileges not enjoyed by other religious organizations.<sup>106</sup> In 2007 and 2008, Belarus was urged to uphold the right to freedom of religion under the resolution of the General Assembly.<sup>107</sup>

44. In 2006, the Special Representative of the Secretary-General on human rights defenders noted that despite the Belarusian Constitution guaranteeing the right to freedom of expression, the scope of this right is restricted by a number of defamation provisions of the Criminal Code, including articles on defamation, insult, defamation in relation to the President, insult to the President and insult to a government official. These articles foresee sentences of up to five years' imprisonment.<sup>108</sup> In 2007 and 2008, as noted in the resolutions of the General Assembly, a concern was expressed about the continued harassment and detention of Belarusian journalists<sup>109</sup> and the suspension and banning of independent media.<sup>110</sup>

45. In 2007, as noted in the resolution of the General Assembly, a concern was expressed about the use of the arbitrary application of registration standards and about persistent reports of harassment and closure of, *inter alia*, non-governmental organizations.<sup>111</sup> In 2009, the Special Rapporteur on human rights defenders expressed concern at the restricted environment in which human rights defenders are able to operate.<sup>112</sup> In 2004, CERD expressed similar concerns.<sup>113</sup> CEDAW expressed concern about the lack of an enabling environment for the establishment and operation of women's non-governmental organizations.<sup>114</sup> In 2009, the ILO Committee of Experts observed that while some positive steps have been taken by the Government, the current situation still remains far from ensuring full respect for freedom of association.<sup>115</sup>

46. In 2006, the Special Representative of the Secretary-General on human rights defenders noted that the Law on Mass Events and other laws and regulations strictly control the organisation of public protests and meetings.<sup>116</sup> In 2007, the Special Rapporteur on the situation of human rights in Belarus expressed a similar view.<sup>117</sup>

47. As noted in the resolution of the General Assembly in 2008, Belarus again failed to meet its commitments to hold free and fair elections during the 2007 municipal elections.<sup>118</sup>

The 2008 annual report of the Resident Coordinator indicated that during parliamentary elections held in September 2008, independent candidates had more opportunities to campaign than four years before.<sup>119</sup> In 2007 and 2008, in the resolutions of the General Assembly, Belarus was urged to bring the electoral process and legislative framework into line with international standards and to rectify the shortcomings of the electoral process.<sup>120</sup>

48. Since 2000, the HR Committee has found violations against Belarus in seventeen cases in which twelve cases involve, *inter alia*, violations of freedom of opinion and expression<sup>121</sup>, freedom of association,<sup>122</sup> freedom of religion<sup>123</sup>, the right to take part in the conduct of public affairs and the right to be elected.<sup>124</sup> In all of these cases, it requested Belarus to provide the victims with an effective remedy, including compensation, and to take steps to prevent similar violations occurring in the future. Belarus has either challenged the Committee's Views<sup>125</sup> or not provided any response.<sup>126</sup>

#### **6. Right to work and to just and favourable conditions of work**

49. CEDAW expressed concern about the situation of women in the labour market, which is characterized by high female unemployment, the concentration of women in low-paid sectors of public employment and the wage gap between women and men.<sup>127</sup> In 2009, the ILO Committee of Experts asked Belarus to take steps to raise labour inspectors' as well as workers' and employers' awareness of the principle of equal remuneration for work of equal value.<sup>128</sup>

50. The Special Rapporteur on the situation of human rights in Belarus noted that a/the compulsory system of short-term contractual employment introduced in all State companies in 2004 reportedly offered opportunities for intimidation and harassment for human rights activists and politically active individuals at a previously unprecedented level.<sup>129</sup>

51. In 2009, the ILO Committee of Experts urged Belarus to take the necessary measures to ensure that all of the non-registered trade union organizations are registered. It requested taking the necessary measures to amend the Presidential Decree No. 2 of 1999 to eliminate the requirement of a legal address for registration of trade unions.<sup>130</sup>

#### **7. Right to social security and to an adequate standard of living**

52. CEDAW recommended, *inter alia*, the financial and organizational strengthening of family planning programmes and the provision of wide access to contraceptives for all women and men.<sup>131</sup>

53. In 2006, the Special Rapporteur on adequate housing took note of information reporting that several thousand people were residing in the highly toxic landfill outside Minsk. The high toxicity of the environment has numerous long-term health impacts, and women were considered to be particularly exposed due to their daily tasks of burning waste for heating or cooking.<sup>132</sup>

54. A 2009 United Nations Statistics Division source indicated that the total proportion of population using an improved drinking water source was 100 per cent in 2006.<sup>133</sup>

55. CEDAW expressed concern about the feminization of poverty, particularly among vulnerable groups of women, such as those heading households, older women and rural women. It requested ensuring that all poverty alleviation programmes fully benefit women, according to their needs.<sup>134</sup>

#### **8. Right to education**

56. In 2002, CRC noted that the availability of education in the Belarusian language is becoming increasingly limited, from early childhood to secondary education.<sup>135</sup>

57. A 2009 United Nations Statistics Division source indicated that the net enrolment ratio in primary education was 90.2 in 2007.<sup>136</sup> CRC noted that education standards vary greatly to the disadvantage of lower-income neighbourhoods and rural areas.<sup>137</sup> Roma children face difficulties in enrolling in school.<sup>138</sup>

58. In 2004 CERD and CRC, in 2002, welcomed efforts of Belarus to include human rights education in school curricula.<sup>139</sup> CERD encouraged expanding and strengthening the existing efforts in human rights education beyond the school system in order to promote understanding and tolerance in society.<sup>140</sup>

## **9. Minorities and indigenous people**

59. The Special Rapporteur on the situation of human rights in Belarus noted information that the Roma minority faces discrimination and exclusion. In particular, Roma are often victims of police violence, lack the identity documents they need to access to fundamental rights, live in isolated settlements and have limited access to education.<sup>141</sup>

## **10. Migrants, refugees and asylum-seekers**

60. In 2009, the UNCT indicated that considerable progress has been achieved in establishing a national asylum system and the new legislation mostly complies with international standards. However, the overall approach to asylum issues is influenced by the perception that asylum is part of a system for restrictive migration control.<sup>142</sup> It noted that some matters still need to be developed, in particular, providing refugees with travel documents. It informed that the State assistance during the refugee status determination procedure is limited and insufficient to cover all the needs of asylum-seekers and, therefore, remains somewhat dependent on international assistance.<sup>143</sup>

61. The UNCT indicated that, in general, recognized refugees have access to social and economic rights equally with citizens and/or foreigners. However, access to affordable and decent housing remains one of the problems.<sup>144</sup> It recommended elaborating an integration programme for refugees.<sup>145</sup>

# **III. Achievements, best practices, challenges and constraints**

62. In 2009, the ILO Committee of Experts noted that various measures taken to combat trafficking in persons contributed significantly towards increasing the effectiveness of preventing slave trade and ensuring the security of the country's population.<sup>146</sup> The UNCT noted that the number of victims of trafficking registered in Belarus has started to decrease slightly since 2005 due to the fact that several traffickers' organizations were shut as a result of several years of work.<sup>147</sup> In 2009, the Special Rapporteur on trafficking in persons, especially in women and children noted some commendable good practices in relation to compensation for victims of human trafficking and the establishment of an international training centre on human trafficking and migration.<sup>148</sup>

63. In 2004, CEDAW expressed concern at the continuing negative impact of the Chernobyl disaster on women's health.<sup>149</sup> CRC noted the persistence of the negative consequences of the Chernobyl nuclear plant disaster affecting the population in general and the health and development of children, in particular.<sup>150</sup>

## IV. Key national priorities, initiatives and commitments

### Pledges by the State

64. In 2007, Belarus pledged, inter alia, to continue to engage constructively with the United Nations human rights mechanisms and its efforts in fighting human trafficking. Belarus expressed its commitment to, inter alia, cooperate with special thematic human rights procedures, including the provision of all requested information, further strengthen its activities in promoting gender equality and women's rights and preventing violence and discrimination against women and girls. Belarus noted that it will do its utmost to ensure that all international human rights instruments to which it is a party are fully observed.<sup>151</sup>

## V. Capacity-building and technical assistance

65. In 2004, CEDAW recommended that Belarus increase its efforts in offering or supporting capacity-building programmes for current and future women leaders.<sup>152</sup>

66. In 2002, CRC recommended that Belarus seek technical assistance from, among others, UNICEF, inter alia, to (a) ensure the full conformity of the national legislation with CRC,<sup>153</sup> (b) establish an independent and effective mechanism in line with the Paris Principles,<sup>154</sup> combat domestic violence, ill-treatment and abuse of children<sup>155</sup> and improve the administration of juvenile justice.<sup>156</sup>

67. The UNCT submitted information on capacity-building and technical assistance, including on HIV/AIDS strategic planning, refugee and migration related areas, administration of justice and combating trafficking in human beings.<sup>157</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;

OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- <sup>3</sup> “The Byelorussian Soviet Socialist Republic states that the provision in article 17, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become Parties to the Convention is of a discriminatory nature, and hold that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.”
- <sup>4</sup> “The Republic of Belarus, pursuant to article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, declares that voluntary recruitment of citizens into the armed forces of the Republic of Belarus shall occur upon the attainment by them of 18 years of age. Admission to a military academy, to which citizens aged 17 years or over, including those who attain 17 years of age during the year in which they are admitted to such an academy, are entitled, in accordance with article 43 of the Act of the Republic of Belarus of 5 November 1992 on Military Obligations and Military Service, shall constitute an exception to the above. Such admission shall not be forced or coerced. The legislation of the Republic of Belarus guarantees that entry into military service as a cadet at a military academy:
- Shall be voluntary;
  - Shall occur with the informed consent of the person's parents or legal guardians;
  - Shall occur on condition that such persons are fully informed of the duties involved in military service;
  - Shall be permitted on condition that such persons provide reliable proof of age prior to acceptance into military service.”
- <sup>5</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1 of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- <sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>7</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>8</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>9</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation;

- Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>10</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/65/CO/2), para. 11.
- <sup>11</sup> Ibid., paras 16-18.
- <sup>12</sup> E/CN.4/2005/35, para. 84.
- <sup>13</sup> E/CN.4/2006/36, para. 95.
- <sup>14</sup> UNCT submission to the UPR on Belarus, p. 10.
- <sup>15</sup> CAT, *Official Records of the General Assembly, fifty-sixth session, Supplement No. 44 (A/56/44)*, para. 46 (g).
- <sup>16</sup> UNCT submission to the UPR on Belarus, p. 8.
- <sup>17</sup> Ibid., p. 1.
- <sup>18</sup> CEDAW, *Official Records of the General Assembly, fifty-ninth session, Supplement No. 38 (A/59/38)*, paras. 333-336.
- <sup>19</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009BLR111, fourth paragraph.
- <sup>20</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2008, Geneva, doc. No. (ILOLEX) 062008BLR087, eighth paragraph.
- <sup>21</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- <sup>22</sup> A/HRC/4/16, para 10. See also UNCT submission to the UPR on Belarus, paragraph 3.
- <sup>23</sup> CERD/C/65/CO/2, para. 13. See also concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 180), paragraph.17.
- <sup>24</sup> UNCT submission to the UPR on Belarus, p. 3.
- <sup>25</sup> UNODC submission to the UPR on Belarus, p. 2.
- <sup>26</sup> A/59/38, para. 345.
- <sup>27</sup> UNCT submission to the UPR on Belarus, p. 7.
- <sup>28</sup> Ibid., p. 3.
- <sup>29</sup> See General Assembly resolution 59/113 B of 14 July 2005, Human Rights Council resolution 6/24 of 28 September 2007 and for more details, see letters from Permanent Mission of the Republic of Belarus in Geneva dated 23 July 2009, 29 December 2008 and 25 April 2008, and letters from the United Nations High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, see at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives-2005-2009.htm>.
- <sup>30</sup> The following abbreviations have been used for this document:
- |              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination;        |
| CESCR        | Committee on Economic, Social and Cultural Rights;            |
| HR Committee | Human Rights Committee;                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women; |
| CAT          | Committee against Torture;                                    |
| CRC          | Committee on the Rights of the Child.                         |
- <sup>31</sup> A/HRC/4/16, para. 59.
- <sup>32</sup> A/64/290, paras 19-20.
- <sup>33</sup> E/CN.4/2005/6/Add.3.
- <sup>34</sup> Special Rapporteurs on violence against women; on contemporary forms of racism, on racial discrimination, xenophobia and related intolerance; on contemporary forms of slavery; on the right to health; on the right to education; on the right to food; on the sale of children; and on the human rights of migrants.
- <sup>35</sup> Letter dated 13 November 2009 from the Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organizations at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights.

- <sup>36</sup> United Nations Press Release:  
<http://www2.ohchr.org/english/issues/trafficking/docs/PressReleaseVisitBelarus.doc>.
- <sup>37</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.
- <sup>38</sup> Report of the Commission on Human Rights on its sixtieth session (E/2004/23- E/CN.4/2004/127), p. 54.
- <sup>39</sup> See Commission on Human Rights resolution 2005/13 and Human Rights Council decision 1/102.
- <sup>40</sup> A/HRC/4/16, para 2.
- <sup>41</sup> Ibid., para. 58.
- <sup>42</sup> E/CN.4/2006/36, para. 95.
- <sup>43</sup> A/RES/62/169 para.1 (b) and A/RES/61/175. para. 1(a).
- <sup>44</sup> Note Verbale dated 10 December 2004 from the Permanent Mission of Belarus to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights, E/CN.4/2005/G/11, p.3.
- <sup>45</sup> Human Rights Council Decision 5/1 "Institution-building of the United Nations Human Rights

- Council”, para. 61 and appendix I: Renewed mandates until they could be considered by the Human Rights Council according to its Annual Programme of Work.
- <sup>46</sup> OHCHR 2009 Report on Activities and Results.
- <sup>47</sup> A/59/38, paras. 339-340.
- <sup>48</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009BLR111, first paragraph.
- <sup>49</sup> CERD/C/65/CO/2, para. 7.
- <sup>50</sup> Ibid., para. 8.
- <sup>51</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009BLR111, fifth paragraph.
- <sup>52</sup> CERD/C/65/CO/2, para. 10.
- <sup>53</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009BLR111, second paragraph.
- <sup>54</sup> Ibid., sixth paragraph.
- <sup>55</sup> A/56/44, para. 45(i).
- <sup>56</sup> A/HRC/4/16, para. 13; E/CN.4/2005/35, para. 17.
- <sup>57</sup> E/CN.4/2006/53/Add.3, para. 17.
- <sup>58</sup> E/CN.4/2005/35, para. 85.
- <sup>59</sup> Ibid., para 19. See also paras. 20-21.
- <sup>60</sup> A/HRC/10/9, paras. 64-66. See also E/CN.4/2002/79, para. 56.
- <sup>61</sup> A/56/44, para. 45(b) and (c). See also A/HRC/4/16, para. 13.
- <sup>62</sup> UNCT submission to the UPR on Belarus, p. 3.
- <sup>63</sup> CRC/C/15/Add.180, para. 40 (c) and (d).
- <sup>64</sup> A/59/38, para. 347.
- <sup>65</sup> UNCT Submission to UPR on Belarus, p. 7.
- <sup>66</sup> A/59/38, para. 348.
- <sup>67</sup> E/CN.4/2005/6/Add.3, para. 49. See also A/HRC/4/16, para. 49.
- <sup>68</sup> A/56/44, para. 46 (e).
- <sup>69</sup> E/CN.4/2006/6/Add.1, para. 12; A/HRC/4/33/Add.1, para. 16.
- <sup>70</sup> A/HRC/10/44/Add.4, para. 19.
- <sup>71</sup> E/CN.4/2005/6/Add.3, paras. 50 and 70. See also E/CN.4/2006/36 para. 21 and CRC/C/15/Add.180, para. 53.
- <sup>72</sup> A/HRC/10/21, paras. 24-27.
- <sup>73</sup> UNCT Submission to the UPR on Belarus.
- <sup>74</sup> CERD/C/65/CO/2, para. 9; CRC/C/15/Add.180, para. 51.
- <sup>75</sup> UNCT submission to the UPR on Belarus, pp. 6-12.
- <sup>76</sup> A/59/38, para. 350.
- <sup>77</sup> E/CN.4/2005/6/Add.3, para. 44. See also report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2001/65/Add.1), para. 111.
- <sup>78</sup> A/56/44, para. 45(d), (f) and (g), 46 (d). See also CCPR/C/79/Add. 86, para. 13 and E/CN.4/2001/65/Add.1, para. 110.
- <sup>79</sup> A/HRC/10/21, para. 24; A/HRC/7/4, para. 31.
- <sup>80</sup> E/CN.4/2005/6/Add.3, para. 79.
- <sup>81</sup> A/56/44, para. 45 (g). See also E/CN.4/2001/65/Add.1, paras. 116-118.
- <sup>82</sup> E/CN.4/2005/6/Add.3 para. 83.
- <sup>83</sup> A/HRC/4/16, para. 14.
- <sup>84</sup> CCPR/C/77/D/886/1999, views adopted on 3 April 2003, CCPR/C/77/D/887/1999, views adopted on 3 April 2003.
- <sup>85</sup> CCPR/C/86/D/1100/2002, views adopted on 28 March 2006, CCPR/C/94/D/1178/2003, views adopted on 23 October 2008, CCPR/C/96/D/1311/2004, views adopted on 30 July 2009.
- <sup>86</sup> CCPR/C/77/D/886/1999, views adopted on 3 April 2003, CCPR/C/77/D/887/1999, views adopted on 3 April 2003, CCPR/C/86/D/1100/2002, views adopted on 28 March 2006, CCPR/C/94/D/1178/2003, views adopted on 23 October 2008.



- 87 Response to communication CCPR/C/96/D/1311/2004 is not due yet.
- 88 E/CN.4/2005/6/Add.3, para. 86.
- 89 E/CN.4/2006/36, para. 21.
- 90 A/HRC/10/21, paras 24-27.
- 91 E/CN.4/2005/6/Add.3, paras. 78 and 39.
- 92 Ibid. para. 48.
- 93 UNCT submission to the UPR on Belarus, p. 8.
- 94 CRC/C/15/Add. 180, para. 53.
- 95 E/CN.4/2005/6/Add.3 para. 84 (a).
- 96 CRC/C/15/Add.180, para.53, 54(a), (b), (d), (e).
- 97 E/CN.4/2005/6/Add.3 para. 85.
- 98 UNCT submission to the UPR on Belarus, p. 8.
- 99 A/RES/62/169, paras. 2 (e) -(g).
- 100 A/HRC/4/25/Add.1, paras. 54-55; A/HRC/4/27/Add.1, paras. 60-68; A/HRC/4/37/Add.1, paras. 53-61; A/HRC/10/12/Add.1, paras. 228-234; A/HRC/10/44/Add.4, para. 20; A/HRC/11/41/Add.1, paras. 45-47.
- 101 A/HRC/4/27/Add.1, paras. 69-71; A/HRC/4/37/Add.1, paras. 63-65 and 67; A/HRC/10/12/Add.1, paras. 235-237; 241-242; 248-249 and 256; A/HRC/11/41/Add.1, paras. 50-51.
- 102 CRC/C/15/Add.180, para. 37.
- 103 Ibid., paras. 37, 38(a), (b), (c), (d).
- 104 UNICEF Regional Office for Central and Eastern Europe and Commonwealth of Independent States, Analysis of the progress, remaining challenges and trends in Child Care System Reform, 2009, p. 28, available at [www.unicef.org/ceecis/Regional\\_Analysis\\_Progress\\_of\\_the\\_Child\\_Care\\_System\\_Reform\\_ENG.pdf](http://www.unicef.org/ceecis/Regional_Analysis_Progress_of_the_Child_Care_System_Reform_ENG.pdf).
- 105 E/CN.4/2006/36, para. 53.
- 106 A/HRC/4/16, para. 29.
- 107 A/RES/62/169, para. 2 (f) and A/RES/61/175, para. 2 (f).
- 108 E/CN.4/2006/95/Add. 5, para. 191. See also A/HRC/4/16, paragraph. 15.
- 109 A/RES/61/175, para. 1 (e) and A/RES/62/169 para. 1 (e).
- 110 A/RES/62/169 para. 1 (e).
- 111 A/RES/61/175 para. 1 (g). See also report of the Special Representative of the Secretary- General on human rights defenders (E/CN.4/2006/95/Add. 5), paragraphs 194-196 and 202.
- 112 A/HRC/10/12/Add.1, para. 265. See also E/CN.4/2006/95/Add. 5, paragraph 200.
- 113 CERD/C/65/CO/2, para. 15.
- 114 A/59/38, para. 343.
- 115 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009BLR087, seventh paragraph.
- 116 E/CN.4/2006/95/Add.5, para 193.
- 117 A/HRC/4/16, para. 21.
- 118 A/RES/62/169 para. 1 (c).
- 119 2008 Resident Coordinator Annual Report Belarus, Minsk, p. 1, available at [http://www.undg.org/RCAR/2008/finalized/pdfs/RCAR\\_2008\\_BYE\\_NAR.pdf](http://www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_BYE_NAR.pdf).
- 120 A/RES/62/169, para 2 (e) and A/RES/61/175, para. 2 (a).
- 121 CCPR/C/68/D/780/1997, views adopted on 20 March 2000, CCPR/C/74/921/2000, views adopted on 2 April 2002, CCPR/C/81/D/927/2000, views adopted on 8 July 2004, CCPR/C/85/D/1022/2001, views adopted on 20 October 2005, CCPR/C/87/D/1009/2001, views adopted on 11 July 2006, CCPR/C/95/D/1553/2007, views adopted on 20 March 2009.
- 122 CCPR/C/88/D/1039/2001, views adopted on 17 October 2006, CCPR/C/88/D/1274/2004, views adopted on 31 October 2006, CCPR/C/90/D/1296/2004, views adopted on 24 July 2007.
- 123 CCPR/C/84/D/1207/2003, views adopted on 26 July 2005.
- 124 CCPR/C/95/D/1553/2007, views adopted on 20 March 2009, CCPR/C/88/D/1047/2002, views adopted on 20 October 2006. CCPR/C/78/D/814/1998, views adopted on 5 August 2003, CCPR/C/81/D/927/2000, views adopted on 8 July 2004.
- 125 CCPR/C/81/D/927/2000, views adopted on 8 July 2004, CCPR/C/84/D/1207/2003, views adopted on 26 July 2005, CCPR/C/88/D/1039/2001, views adopted on 17 October 2006,

- CCPR/C/88/D/1274/2004, views adopted on 31 October 2006, CCPR/C/90/D/1296/2004, views adopted on 24 July 2007, CCPR/C/95/D/1553/2007, views adopted on 20 March 2009.
- <sup>126</sup> CCPR/C/68/D/780/1997, views adopted on 20 March 2000, CCPR/C/74/921/2000, views adopted on 2 April 2002, CCPR/C/78/D/814/1998, views adopted on 5 August 2003, CCPR/C/85/D/1022/2001, views adopted on 20 October 2005, CCPR/C/87/D/1009/2001, views adopted on 11 July 2006, CCPR/C/88/D/1047/2002, views adopted on 20 October 2006.
- <sup>127</sup> A/59/38 para 351. See also reports of the Special Rapporteur on the situation of human rights in Belarus, (A/HRC/4/16), para 43 and (E/CN.4/2006/36), para 66.
- <sup>128</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 092009BLR100, fifth paragraph.
- <sup>129</sup> E/CN.3/2005/35, para. 50.
- <sup>130</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009BLR087, third and fourth paragraphs.
- <sup>131</sup> A/59/38, para. 356.
- <sup>132</sup> E/CN.4/2006/118, para. 64.
- <sup>133</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>134</sup> A/59/38, paras. 353-354.
- <sup>135</sup> CRC/C/15/Add.180, para. 49.
- <sup>136</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>137</sup> CRC/C/15/Add.180, para. 49.
- <sup>138</sup> A/HRC/4/16, para. 50.
- <sup>139</sup> CERD/C/65/CO/2, para. 6; CRC/C/15/Add.180, para. 49.
- <sup>140</sup> CERD/C/65/CO/2, para. 14.
- <sup>141</sup> A/HRC/4/16, para 50.
- <sup>142</sup> UNCT submission to the UPR on Belarus, p. 2.
- <sup>143</sup> Ibid., p. 5.
- <sup>144</sup> Ibid., pp. 4-5.
- <sup>145</sup> Ibid., p. 10.
- <sup>146</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009BLR182, second paragraph.
- <sup>147</sup> UNCT submission to the UPR of Belarus, p. 2.
- <sup>148</sup> A/64/290, para. 19.
- <sup>149</sup> CRC/C/15/Add.180, paras. 45- 46.
- <sup>150</sup> Ibid., para. 9.
- <sup>151</sup> Pledges and commitments undertaken by Belarus before the Human Rights Council, as contained in the letter dated 9 April 2007 from the Permanent Representative to the United Nations addressed to the President of the General Assembly available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/305/19/PDF/N0730519.pdf?OpenElement>.
- <sup>152</sup> A/59/38, para. 358.
- <sup>153</sup> CRC/C/15/Add.180, para. 13 (b).
- <sup>154</sup> Ibid., para. 17(d).
- <sup>155</sup> Ibid., para.40 (g).
- <sup>156</sup> Ibid., para.54 (i).
- <sup>157</sup> UNCT submission to the UPR on Belarus, pp. 8-13.