



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Sixty-fifth session

Summary record of the 1439th meeting

Held at the Palais des Nations, Geneva, on Friday, 28 October 2016, at 10 a.m.

Chair: Ms. Hayashi

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Eighth periodic report of Belarus (CEDAW/C/BLR/8, CEDAW/C/BLR/QPR/8)

1. *At the invitation of the Chair, the delegation of Belarus took places at the Committee table.*
2. **Ms. Shchotkina** (Belarus), introducing the eighth periodic report of Belarus (CEDAW/C/BLR/8), said that, in the wake of four national plans of action on gender equality, women had made great progress in Belarus. The human development index for women in Belarus was one of the highest in the world, for example, and higher than the index for men. In terms of childbirth conditions, Belarus was among the top 25 countries out of 179. More than 95 per cent of both sexes completed secondary education and more than 50 per cent of higher education lecturers were women. Women accounted for 33.4 per cent of members of the House of Representatives and 22.8 per cent of members of the National Assembly as a whole.
3. There had been a positive change in the public perception of issues of gender equality. Since 2011, a national mechanism had been set up at every level of government from the top down for the implementation of the gender policy throughout the country and expert working groups on gender policy had been created. There was nevertheless a need to amend legislation to improve the gender balance. To that end, it would be necessary to develop professional skills in the fields of gender analysis and gender budgeting, and the relevant measures to do so had been included in the draft 2017-2020 national action plan for gender equality. The Government was working with United Nations agencies such as the United Nations Development Programme (UNDP) to develop inclusive local governance under the aegis of the Office of the President. That project would include a gender assessment of the civil service and public administration with a view to producing recommendations for improvements to the system and to increase the career opportunities for women in the civil service.
4. A system of benefits covering housing construction and social services had helped create a firm base of support for families with children, allowing both parents to meet their family and work obligations. Of the various types of child allowances, the childcare benefit paid until the child was 3 was the most significant. In a radical departure from previous practice, it was paid irrespective of whether the mother worked or not and whether she was covered by social insurance or not. Total child benefits amounted to 2 per cent of GDP. In addition, favourable interest rates were available for housing construction for large families and families with young children.
5. Gender roles in the family were changing, but women still shouldered a greater burden than men. According to a study by the National Statistical Committee, women spent 2.5 times longer than men looking after children and doing housework; overall, 80 per cent of women's free time was spent on work in the home.
6. Economic empowerment was a precondition for equality. Belarus had a high level of women in employment, and 30 per cent of those who received State subsidies for entrepreneurial activities were women. In 2014, the list of dangerous, unhealthy or arduous types of work that women were not allowed to perform had been reduced to 70 and, at the same time, special measures had been adopted to protect women and mothers; such measures were not considered to amount to discrimination. There was a system of financial benefits and compensation in place to prevent illness and safeguard women's health, including early retirement, additional leave, shorter working days and prophylactic nutrition measures.

7. In order to increase women's competitiveness on the labour market when they had young children, legal provisions had been introduced to enable persons caring for children up to 3 years of age to attend training courses. In addition, social transfers were made to preserve income levels for families with children. As a result, the number of women living below the minimum subsistence level was 4.8 per cent, whereas for men it was 5.6 per cent. Even so, as in many other countries, the persistence of occupational segregation meant that women worked mainly in low-paid sectors.

8. The pensionable age was to be increased over time to 58 for women and 63 for men. There was now virtually no difference (3 per cent) between men's and women's pensions. As to women's participation in social and economic life, women held 55 per cent of senior managerial posts and accounted for 63 per cent of the legal profession. There were 30 women's NGOs working to increase women's impact on social development. State cooperation with NGOs was widespread in all areas.

9. The new Social Services Act that had come into effect in 2013 regulated the provision of services, including services for victims of domestic violence. It also made it possible for the State to finance organizations working on social issues of that kind through the outsourcing of public social services. Legal measures had been taken to prevent violence within the family and to deal with domestic violence offenders. Measures had been taken to protect women in difficult situations, particularly women victims of domestic violence, and to offer them a range of social services; such services were provided by 146 regional centres financed from local budgets. The number of safe havens known as "crisis rooms" for victims of domestic violence had increased considerably.

10. The scale of human trafficking in Belarus had shrunk to no more than 10 cases per year thanks to measures adopted at the State level. In accordance with its obligations under the Council of Europe Convention on Action against Trafficking in Human Beings, Belarus had worked hard to improve national legislation and to put in place mechanisms for the identification, referral and support of victims. Anyone claiming to be a victim of trafficking or similar crimes was given 30 days for rehabilitation, during which time they could consider whether they wished to apply to the criminal prosecution authorities. Victims could be lodged in a crisis room and had access to all social services. Rehabilitation did not depend on whether the person participated in criminal proceedings.

11. The health situation had improved between 2010 and 2015: infant mortality was down to 3 per thousand and life expectancy at birth up from 70.4 to 73.9. Under the State health system, all women, including those in detention, had access to medical care regardless of place of residence, age, education, religion, ethnic background or social status. In 2015, maternal, infant and child mortality rates in Belarus had been some of the lowest in the world. Cervical and breast cancer screening programmes had been developed and expenditure on cancer prevention and treatment had increased, standing currently at nearly 5 per cent of GDP. The rights of women using assisted reproductive technology, including surrogate mothers, were guaranteed. Although the number of abortions had fallen, it was still quite high, and that had prompted the inclusion of additional measures in the draft strategy for promoting and maintaining reproductive health. Over the past five years, between 1,500 and 2,000 cases of HIV infection had been registered annually, and the total number of registered cases as at the start of 2016 amounted to nearly 20,000. The high rate of HIV infection among women of reproductive age had resulted in vertical transmission, a problem Belarus was working on with the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Articles 1 to 6

12. **Ms. Schulz** said that the Committee acknowledged the progress since its consideration of the State party's previous periodic report in 2011 and was impressed by its

plans for the future. It was regrettable, however, that many of the Committee's recommendations in respect of the State party's institutional and legal framework had not been implemented.

13. Notwithstanding the general guarantees of equality under the Constitution, the gender equality framework remained inadequate. She would like to know when the State party intended to meet its obligations under articles 1 and 2 of the Convention to enact a prohibition of discrimination against women in all areas of life, covering both direct and indirect discrimination by State and non-State actors alike. Would such a prohibition be inserted in a gender equality law or in comprehensive anti-discrimination legislation covering sex- and gender-based discrimination?

14. The State party had accepted recommendations made during the Human Rights Council universal periodic review to create a national human rights institution in accordance with the Paris Principles. She would like to know when such an institution would be created and what resources and mandate it would have to address sex and gender equality issues. Did the State party plan to create a women's rights oversight body?

15. She wondered why "violations of citizens' equal rights", i.e., discrimination, were dealt with as a matter of criminal law. Discrimination should be dealt with also through civil and administrative procedures, for that would make it possible to improve the position of victims, for example through the alleviation or reversal of the burden of proof. Was the delegation willing to discuss such a change of approach?

16. The State party report contained no information on court cases regarding discrimination; further, none of the cases mentioned in the common core document (HRI/CORE/BLR/2015, para. 237) concerned discrimination, which was surprising in view of the claim in the core document that individuals were protected against discrimination. She would welcome an explanation. How did the State party intend to ensure that the guarantees contained in the Constitution received concrete application enabling them to be invoked in court? The absence of court cases reinforced the concerns regarding access to justice expressed by the Committee in its previous recommendations, namely a lack of knowledge among judicial and law-enforcement personnel of the Convention and gender equality and the lack of training in gender equality and eliminating discrimination, women's lack of awareness of their rights under the Convention and the general difficulties women faced in accessing justice, as discussed in the Committee's general recommendation No. 33.

17. As in 2011, the Committee was still concerned at the limitations that stood in the way of the work of civil society organizations and the risks incurred by their members in carrying out their activities. The legislation, as it stood, prevented Belarus from making the most of civil society's energy, innovation and ability to contribute to the country's development. She would like to know whether the State party planned to reduce and simplify NGO registration requirements; whether it planned to limit the power of the authorities in charge of registration and clarify the criteria for registration; and whether it intended to repeal or amend article 193 of the Criminal Code making participation in the activities of unregistered NGOs a criminal offence subject to enormous fines or even arrest. Would NGOs be consulted more broadly on gender equality issues, including draft legislation, plans of action and reporting to treaty bodies?

18. **Ms. Shchotkina** (Belarus) said that she did not agree that women were unaware of their rights or that there was insufficient training or education on women's rights. Four national plans of action had been implemented, with education and general awareness about rights being among their main goals. Much outreach work had been done in close cooperation with NGOs throughout the country. Civil society was the main partner in the

State party's work. All legislation relating to gender issues was widely discussed, and her Government attached great importance to the participation of NGOs in those discussions.

19. The NGO registration procedure had already been simplified in accordance with the State's objective of ensuring that everyone could participate in public life. The only conditions were to complete the forms properly and provide the correct information. As to funding, many organizations received grants from international bodies; all that was required was that they should do so in accordance with the law.

20. As had been made clear in 2011, all necessary provisions on gender equality were established in domestic law. The question of bringing them all under a single separate law had been discussed in the National Council on Gender Policy, on which, incidentally, civil society and NGOs were represented, but it had been concluded that what was important was that the provisions were in place and working, not the title of the law.

21. The reason there had been no court rulings on discrimination was that no cases of discrimination had been brought before the courts. It was in part a matter of public perception: domestic violence, for instance, which had previously been a taboo subject, could now be dealt with in court and it was important to let women know that that was the case. They must feel free to come forward. That went for men belonging to sexual minorities as well, for every individual's rights required protection. To that end the new National Plan of Action for Gender Equality for the period up to 2020 aimed to raise the level of discussion in the mass media.

22. **Mr. Karazei** (Belarus), in response to the question raised by Ms. Schulz, said that all persons were entitled to equal protection of their rights without discrimination under the Constitution. It was not true that the principles of equality and non-discrimination were covered only under criminal law. Under the Code of Administrative Offences, for example, persons who committed administrative offences were equal before the law regardless of sex, race, ethnic background, language etc. There were similar provisions under civil law. Furthermore, offences against a woman known to be pregnant or offences committed on the grounds of racial, ethnic or religious hatred constituted aggravating factors under the Code; gender-based discrimination was not, however, explicitly mentioned. Legislation to amend the Code of Administrative Offences was currently being drafted and, thus, it was an opportune moment to correct that shortcoming. He saw no obstacle to including a provision on offences committed on the grounds of sex.

23. Article 193¹ of the Criminal Code, concerning the unlawful organization of or participation in activities of voluntary associations, religious organizations or funds, was only rarely applied. However, it had been introduced to the Code in view of the rise of terrorism and extremism in order to ensure that the Government could take action if required against organizations promoting extremist ideologies. Lastly, training centres run by the Ministry of Internal Affairs provided special courses and further training on gender issues and on preventing domestic violence for law enforcement officials and other personnel.

24. **Mr. Ambrazevich** (Belarus) said that, while the State party had accepted the recommendation to establish a national human rights institution under the universal periodic review process, it was very much a political issue, and there were many countries that did not have such institutions. A bill on establishing a national human rights institution had been drawn up and the matter had also been included in a national plan of action to implement the recommendations of the United Nations treaty bodies and recommendations put forward during the universal periodic review.

25. Belarus had undergone a period of major change and that trend was reflected in the way the Government had increased its cooperation with NGOs on human rights issues. For example, in the run up to the second cycle of the universal periodic review, several rounds

of consultation had been held with civil society organizations. Those organizations were also widely consulted and their views taken into account in respect of the national plan of action to implement the recommendations of the treaty bodies and universal periodic review. NGOs were also represented on various government and ministerial consultative councils and were fully involved in public discussions of draft legislation. Provision had also been made to increase the involvement of the public in the legislative process under the United Nations Development Assistance Framework (UNDAF) for the period 2016-2020.

26. **Ms. Mauchun** (Belarus) said that, under the law of Belarus, the ground has been laid so that the overwhelming majority of associations could be registered and carry out their activities. The Voluntary Associations Act provided for a clearly delineated and circumscribed list of grounds for refusing to register a voluntary association. The main requirements for registration were simply that all relevant papers were submitted in accordance with the law, that the organization should not advocate extremist views and that there should be some correlation between the organization's name and its declared activities. There were currently more than 30,000 associations in Belarus, including 33 organizations promoting women's rights and gender equality.

27. **Ms. Schulz** said she was disappointed that, despite the commitments made by the State party in 2010 and 2015 in the context of the universal periodic review — namely, to create a national human rights institution — no progress appeared to have been made.

28. She wondered whether the delegation could account for the disparities between its description of the ease with which associations were registered in Belarus and the information provided by alternative sources. Reports indicated that women human rights defenders found it very difficult to register an association whose aims were clearly the protection of human rights. There were also reports that some activists and human rights defenders had been exposed to harassment, violence and arbitrary decisions. By way of example, she asked whether the delegation could comment on the case of Elena Tonkacheva, a human rights defender and Russian national, who had been living in Belarus for 20 years before being expelled for alleged traffic violations. She wondered whether the delegation considered that the punishment was commensurate with the offence in question.

29. Regarding Presidential Decree No. 18 of 24 November 2006, which authorized the removal of children from at-risk families, she was concerned that decisions were taken by an administrative body within a short time frame and without the involvement of the courts. She asked whether the Government intended to more clearly define the criteria under which children could be forcibly taken from their families. There was a worry that certain of the current criteria, such as “immoral behavior”, could lead to arbitrary decisions being taken or be used to discourage women from being politically or socially active for fear of losing their children.

30. **Ms. Shchotkina** (Belarus) said that the issue of whether or not to establish a national human rights institution had already been decided: the details of the institution were being finalized under a national plan of action. Belarus had an active civil society in which there were many women working in the field of women's rights and gender equality. Lastly, Presidential Decree No. 18 was aimed at protecting children and keeping families together. Removal of a child was a measure of last resort in cases where the parents were chronic alcoholics or substance abusers or others who neglected their children or placed them in a position of danger. It was not possible for the provisions of that Decree to be used to put pressure on socially or politically active women.

31. **Ms. Labkovich** (Belarus) said that there were, unfortunately, a large number of “at-risk” families who neglected their children. Such families were placed on file with the agency of tutorship or guardianship. However, that did not mean that the children would automatically be removed from their families. Placing them on file triggered a process in

which various organizations worked alongside the family to help them turn their lives around and to provide safeguards for the children. Removal of children from their biological families was rare and occurred only when their safety was threatened. Moreover, persons could be deprived of their parental rights only by a court decision. The commissions of the Ministry of Internal Affairs that dealt with such cases were not authorized to do so. Thus, if the parents deprived of their rights took steps to improve their situation, their children could be returned to them. Decisions were made on the merits of each individual case and, while the allegations against the parents were proved unfounded upon occasion, on balance, the lives and well-being of many children had been safeguarded.

32. **Ms. Shchotkina** (Belarus) added that the procedures of the commissions dealing with minors were transparent. In the event that a child was wrongly removed from his or her family, the process for rectifying the situation was clearly laid down in the Decree. It was completely out of the question, therefore, that the Decree could be used to discourage women from being politically active.

33. **Mr. Karazei** (Belarus) said that, regarding the case of Elena Tonkacheva, the law was quite clear: a foreign national who had committed five offences was automatically subject to removal from the country. There was no question of its being politically motivated; Ms. Tonkacheva's speeding offence exceeded the maximum number of permitted offences specified in the legislation. Moreover, despite having lived in Belarus for 20 years, Ms. Tonkacheva had never applied for Belarusian citizenship. A transparent procedure was in place for appealing against a sentence for a motoring offence. Ms. Tonkacheva, however, had failed to do so within the established time frame and was therefore deported.

34. **Ms. Leinarde** said that she wished to know: what role was played by the National Council on Gender Policy, which seemed only to meet twice a year, and the Department of Population, Gender and Family Policy of the Ministry of Labour and Social Welfare in monitoring the situation of women in Belarus; what responsibilities they had had in implementing the fourth National Action Plan for Gender Equality 2011-2015; whether they had the power and the capacity to ensure that gender impact assessments of legislation were conducted; what financial and human resources had been allocated by the Government to those bodies; and whether and to what extent civil society was involved in the State party's national machinery for the advancement of women. She would also welcome information on the status of the fifth national action plan for gender equality, which covered the period 2016-2020 but did not yet seem to have been approved. It was not clear what the outcomes of the previous national action plan had been. She asked whether data disaggregated by sex was now being collected and analysed, as per the recommendations of the Committee in its previous concluding observations (CEDAW/C/BLR/CO/7).

35. Noting that since a national human rights institution or ombudsperson for women's rights had yet to be established, she wondered what avenues were available to women to lodge complaints of gender-based discrimination. Lastly, in view of the fact that the Gender Studies Centre of the European Humanities University had now relocated to Lithuania, were there any other higher educational institutions in Belarus offering degrees in gender studies?

36. **Ms. Haidar** said that the measures described at paragraph 67 of the State party's report would be more accurately described as social policies, since they aimed to improve the general situation of families, rather than as temporary special measures, which were intended to accelerate the achievement of de facto equality between women and men. She wished to draw the delegation's attention to general recommendation No. 25 on temporary special measures, which might help the State party gain a better understanding of how such measures worked and the results that could be achieved. In the case of Belarus, temporary

special measures could, for example, be useful in addressing women's low representation in law enforcement bodies or tackling vertical segregation in the area of employment.

37. **Ms. Shchotkina** (Belarus) said that while the National Council on Gender Policy could make recommendations and have its views taken into account, its powers were limited. However, efforts were under way to create a women's parliamentary group to promote women's issues and viewpoints and ensure that gender perspectives were taken into account.

38. Any member of the public could submit complaints of discrimination directly to the State agencies concerned. By law, those complaints had to be considered within a maximum of 30 days. Clearly, however, the Government needed to do more to raise awareness of the complaints mechanism and to encourage more women to speak out. As to the National Council on Gender Policy, it met at least twice a year and continued to operate in the intervening period by, among other things, identifying the relevant issues and coordinating its work with the appropriate agencies.

39. **Ms. Kukharevich** (Belarus) said that her Government was following international best practices for the collection of gender-disaggregated data. Work had been carried out with the United Nations Economic Commission for Europe, and a list of more than 100 global indicators had been integrated into the country's data collection activities. Information had yet to be gathered under around 20 of those indicators. Statistics with a gender perspective were sent to the United Nations Economic Commission for Europe every year. Various studies had been conducted on the situation of women, domestic violence against women and on the amount of time spent by men and women doing paid and unpaid work, including household chores. Moreover, as part of the country's commitment to achieving Goal 5 of the Sustainable Development Goals, Belarus was already collecting data for 11 of the 14 indicators under that Goal.

40. **Ms. Shchotkina** (Belarus) said that expert groups had been created throughout the country to oversee the implementation of gender policies and present reports to the National Council on Gender Policy.

41. **Mr. Karazei** (Belarus) said that women represented slightly more than 10 per cent of police officers and a greater proportion of civilian police staff. Police work was predominantly carried out by men because of the physical strength required. However, the proportion of female officers working with juvenile and female offenders was significantly higher, and efforts were being made to send more women out on patrol.

42. **Ms. Shchotkina** (Belarus) said that the lack of women in the police force owed in part to the fact that it was a poorly paid profession. Although almost all educational centres offered education on gender, and a gender issues course for women activists had recently been established, degrees in gender studies did not yet exist.

43. The Ministry of Labour and Social Protection had a department that dealt with gender policy. Representatives of the department were members of the National Council on Gender Policy. The Council also included representatives from various ministries, the judiciary and civil society and aimed to find a consensus on a range of complex issues. Special measures had been adopted in the past, and the Government continued to analyse the need for them. Under the law, women were now permitted to undertake hazardous work that had previously been prohibited provided that the relevant authorities had ruled that it posed no threat to their health. There were thus women currently working as fuel tanker drivers or miners, for example.

44. **Ms. Leinarte** asked whether data on gender were published, whether financial resources had been allocated for the implementation of the National Plan of Action for Gender Equality, which bodies were responsible for implementing the Plan and what were

the responsibilities of the Department of Population, Gender and Family Policy of the Ministry of Labour and Social Protection.

45. **Ms. Haidar** said that she disagreed that women were incapable of undertaking police work; indeed, female police officers were vital given the police's leading role in tackling gender-based violence. Temporary special measures would help to bring about de facto equality for vulnerable groups suffering intersecting forms of discrimination.

46. **Ms. Shchotkina** (Belarus) said that more than half of all judges in the State party were women; they were well placed to address discrimination. It was important that women were represented in law enforcement, and more training for them in that type of work was required. While more special measures were required, they must be planned effectively. All statistics compiled by the State party were published.

47. **Ms. Kukharevich** (Belarus) said that statistics relating to gender were published in a compendium and were accessible to all online. A module on gender statistics would be included in the National Plan of Action for Gender Equality to bring together all relevant data in an open-access database.

48. **Ms. Labkovich** (Belarus) said that the drafting of the fifth National Plan of Action for Gender Equality had involved United Nations agencies and civil society. The Plan contained a chapter on results and indicators intended to identify the areas requiring the greatest attention. No specific financial resources had been earmarked for the Plan, because the State party took an indicative planning approach, which meant that all funding was granted under current State programmes. Budgetary resources for some of the Plan's activities were included in different State programmes, while others were funded by international technical assistance or sponsors.

49. The work of the Department of Population, Gender and Family Policy coordinated and monitored the work of all State bodies in the area of gender and proposed legislative amendments. All members of the National Council on Gender Policy were responsible for gender within their departments.

50. **Ms. Shchotkina** (Belarus) said that the Department of Population, Gender and Family Policy examined all draft legislation, and any that did not meet its requirements could not be presented to the National Assembly.

51. **Mr. Karazei** (Belarus) said that the police collected disaggregated data on victims and perpetrators of crime. There were plans to improve the collection of disaggregated statistics on administrative offences. The Government would soon be launching a capacity-building project on gender-based violence with international technical assistance which would cover data collection on offences committed against women.

52. **Ms. Arocha Domínguez** asked how the State party planned to ensure that measures that reinforced gender stereotypes, such as restrictions on work and the excessive promotion of maternity through economic incentives, did not hinder women's participation in society in the short-, medium- and long-term.

53. **Ms. Hofmeister** said that, if women's rights were to be realized, patriarchal attitudes must be changed. She asked when legislation on the prevention of domestic violence would be passed, why families were required to pay legal fees in cases of domestic violence and why the eviction of domestic violence offenders from the family home was only possible with the written consent of victims. The State party's new temporary shelters for victims were a promising development, and the State party should compare its legislation on gender-based violence with that of other countries and establish a hotline for victims and a list of offenders. She hoped that women who reported gender-based violence were not stigmatized and did not risk losing custody of their children. She asked when marital rape would be criminalized.

54. She wished to know why State officials often prevented women from expressing their opinions in public spaces, what was being done to improve the extremely poor conditions for female detainees observed at the Homyel detention facility and other temporary detention facilities and how many female officers were employed there. She asked why human rights defenders and their families allegedly experienced unlawful pressure from the authorities and why victims of trafficking under 18 years were not eligible for State protection.

55. **Ms. Leinarte** said that rather than concentrating on convicting female sex workers, the State party should turn its attention to the demand for prostitution. Female sex workers were subject to fines and administrative detention, and their employers and their children's schools were notified of their conviction. Such punishments were ineffective and discriminatory against women and should be abolished. She asked what actions were taken to decrease the number of potential clients for sex workers and whether there were programmes that helped former female sex workers rejoin society.

56. **Ms. Shchotkina** (Belarus) said that the situation in the State party was significantly different from the one described by the Committee members. Human rights defenders were not harassed; they played an important role in providing alternative perspectives. Men were also victims of domestic violence and should be included in prevention measures. The country's traditionally patriarchal society would take time to change. While the Government aimed to create the conditions that would enable women to fulfil their goals, it was a fact that the objective of most women in Belarus was to have children. Nevertheless, they should also be helped to meet their professional goals, and men should be involved in their children's upbringing.

57. **Mr. Karazei** (Belarus) said that, although there was no specific law on domestic violence, such violence was covered under the framework law on crime prevention, which provided for official warnings and preventive measures with respect to perpetrators, who could be required to leave the family home at the request of the victim or on the decision of a procurator. Although such preventive measures had not existed until 2014, they had been taken on more than 1,500 occasions in recent years, and, in more than 70 per cent of those cases, the perpetrator had been required to leave the family home.

58. The number of identified cases of domestic violence had risen considerably in recent years, and, as a rule, the perpetrators were brought to justice. Plans had been made to create a working group to draft a bill on domestic violence. The relevant legislation of Ukraine, Lithuania, the United Kingdom, Austria and Israel had been studied to that end, and the working group would draw heavily on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. With regard to the question raised about persons having to pay for legal proceedings involving domestic violence cases, no such payments were required, and all proceedings were duly conducted free of charge. Spousal rape was not explicitly addressed by Belarusian law; however, a husband who raped his wife would be prosecuted under the provisions criminalizing rape in general. Since 2013, acts of domestic violence that did not involve a crime had been addressed by the Code of Administrative Offences.

59. Every year, more than a thousand women were held administratively liable for prostitution. At the same time, Belarus had ratified the Council of Europe Convention on Action against Trafficking in Human Beings, and the authorities actively sought to identify and dismantle prostitution and trafficking rings.

60. **Ms. Labkovich** (Belarus) said that the identification of trafficking victims, which had previously been the prerogative of the law enforcement and security services, could be made by trained members of the country's social welfare agencies.

61. **Ms. Baturytskaya** (Belarus) said that Belarus had a number of detention facilities for women and that the construction of others was planned. Women accounted for only 10 per cent of the prisoners serving long sentences in Belarus. The country's women's prisons were not overcrowded, and, since 1991, prisoners, including women prisoners, had been regularly amnestied. In addition, women could not be given life sentences or sentenced to death. Convicted women who were pregnant or had children less than 3 years of age were eligible for reduced or suspended sentences. They could also be handed a deferred sentence to care for their children during a three-year period.

62. There were currently 38 children living in the children's centre of the women's prison in Homyel. Mothers of young children who were serving sentences in prisons for repeat offenders were entitled to a transfer to a prison for first-time offenders in order to be with their children. Imprisoned women could also have their children raised by a family member. A woman who was scheduled for release in the year following her child's third birthday was allowed to remain with the child. Otherwise, the child was placed with a family member or in one of the institutions generally located near the country's prisons for women so that the bond between mother and child was preserved.

63. Around a quarter of the women in prison were under the age of 30, and many of them had lacked skills and led asocial lives before landing in prison. In an attempt to ensure that they could find work upon their release, they were offered training in sewing, hairdressing, cosmetology and manicure. Work was required of prisoners, but it should be borne in mind that, in accordance with article 8 (c) (i) of the International Covenant on Civil and Political Rights, forced or compulsory labour did not include work or service normally required of a person who was under detention in consequence of a lawful order of a court. In addition, prison labour counted towards a person's retirement. Three months before their release, women were offered courses in bookkeeping and how to use a computer.

64. **Mr. Karazei** (Belarus) said that female victims of trafficking were not charged with the offences, including prostitution, that resulted from their exploitation by traffickers.

65. **Ms. Shchotkina** (Belarus) said that Belarusian officials were planning a trip to Austria to study gender-responsive budgeting.

66. **Ms. Leinarte** said that she would welcome a comment from the delegation on reports that children were often removed from the homes of women who were abused by their spouses or partners, thereby making such women victims twice over. She wondered how many ex officio prosecutions of cases of domestic violence there had been in recent years and why several years had gone by without a single conviction for human trafficking under article 181 of the Criminal Code. Lastly, she wondered whether the remarks from President Alyaksandr Lukashenko, who had said that a person wearing a skirt was unlikely to be able to cope with the many responsibilities of the presidency, had prompted a reaction from the country's media, female parliamentarians or civil society.

67. **Ms. Schulz** asked whether Belarus was considering removing the administrative penalties for prostitution. She would welcome a comment on reports that some women's detention facilities were so crowded that detainees had to sleep in shifts. Reports also suggested that prison labour was so poorly remunerated that it amounted to forced labour.

68. **Ms. Shchotkina** (Belarus) said that although prostitution was not a criminal offence, persons engaging in prostitution were still subject to administrative penalties. A member of the National Assembly had proposed a discussion on the legalization of prostitution, but his proposal had received no support. Giving consideration to the legalization of prostitution would be understandable if women had no other opportunities or if poverty in the country was rampant, but such was not the case.

69. Anyone in the country, including prisoners, could submit complaints regarding conditions of work to the relevant public agencies. The Ministry of Labour and Social Protection, where she had worked, had frequently received submissions from prisoners complaining of late payment of wages. The Labour Code covered everyone.

70. **Ms. Baturytskaya** (Belarus) said that in April 2016, a visit to a number of women's prisons had been organized for representatives of diplomatic missions of European Union member States and members of the human rights organization Region 119. They had expressed positive views of what they had seen, singling out for particular praise the conditions of work. The sewing workshops in some prisons were better equipped than those in many of the country's ordinary textile plants. There were problems of overcrowding, as had been mentioned by Committee members, in a pretrial detention centre in Minsk. However, a new facility and a hospital for convicted prisoners were being built. It was not true that any prisoners had to take turns sleeping. All prisoners had their own beds and access to hygiene facilities.

71. **Ms. Mauchun** (Belarus) said that a standing committee on prisoners' rights operated with the technical support of the Ministry of Justice, which ensured that the members of that committee, who included representatives of NGOs, could gain access to places of detention. They had recently visited the women's prison in Homyel and reported that the inmates, whom they had spoken to privately, had no complaints. Plans had been made to expand access to higher education, currently available through distance learning at a single prison, to other facilities.

72. **Mr. Karazei** (Belarus) said that because they could be traumatized by what they witnessed, children whose mothers were beaten or otherwise abused by their husbands or other family members were sometimes taken from their mothers. It was also important for such children not to emulate such behaviour when they grew up. The conditions for the removal of a child from a violent family environment were stated clearly in the Marriage and Family Code.

73. **The Chair**, speaking in her capacity as an expert, said that she would appreciate a clarification as to whether prostitution was or was not criminalized in the State party.

74. **Ms. Shchotkina** (Belarus) said that prostitution in Belarus was an administrative offence, not a criminal offence. In connection with President Lukashenko's views of women, she recalled that, after his most recent re-election, he had addressed the National Assembly to highlight the role of the many women in the country's legislature. The media had reacted to his earlier remarks, as they customarily did whenever senior political figures said anything controversial. In any event, the President supported the advancement of women and encouraged their participation in the life of the country.

Articles 7 to 9

75. **Ms. Haidar** said that she would welcome a clarification of the percentages mentioned in paragraph 142 of the State party's report. She asked why women accounted for nearly 68 per cent of the judiciary but only 58 per cent of judges, which parliamentary body dealt with gender equality, how many women were regional governors and whether women played significant roles in trade unions.

76. She wished to know whether the authorities were satisfied with the slight recent increase in the number of NGOs in the State party. She also wished to know on what grounds authorization to establish an NGO could be denied and whether the Act of 4 November 2013 made it possible for local NGOs to win grants from both foreign donors and the Government of Belarus.

The meeting rose at 1 p.m.