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Committee on the Elimination of Racial Discrimination**Concluding observations on the combined twenty-fourth to twenty-fifth periodic reports of Belarus***

1. The Committee considered the combined twenty-fourth and twenty-fifth periodic reports of Belarus (CERD/C/BLR/24-25), submitted in one document, at its 3095th and 3096th meetings (see CERD/C/SR.3095 and 3096), held on 15 and 16 August 2024. At its 3102nd meeting, held on 21 August 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-fourth and twenty-fifth periodic reports of the State party.

3. The Committee expresses its appreciation for constructive dialogue with the State party's delegation. The Committee wishes to thank the delegation for the detailed information provided during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the following legislative, policy and practical measures taken by the State party:

- (a) The Law on Personal Data Protection (2021);
- (b) The Law on the Rights of Persons with Disabilities and their Social Integration (2022);
- (c) The Programme for the Development of Interfaith Relations, Inter-Ethnic Relations and Cooperation with Members of Ethnic Groups Living Abroad and the Programme for the Development of Ethnic Relations (2021-2025);
- (d) The general population census (2019).

D. Concerns and recommendations**National mechanism for reporting**

5. The Committee notes that the preparation of the report on the Convention is supervised by the Ministry of Foreign Affairs. According to the State party, the Commissioner for Minorities participated as a representative of civil society while the Parliament did not participate due to COVID 19 restrictions. The Committee expresses its concern that the Commissioner for Minorities which is a State institution represented independent organizations for defense of human rights (art. 9).

* Adopted by the Committee at its 113th session (05-23 August 2024).

6. Recalling the guidelines for the reporting (CERD/C/2007/1), the Committee recommends that the State party involves the Parliament and civil society organizations working in the field of human rights in the preparation of its next report.

Statistics

7. The Committee takes note of the information provided by the delegation on the results of the general population census carried out in 2019 based on self-identification. It is nevertheless concerned by the absence of up-to-date and complete statistics on the demographic composition disaggregated by ethnic or national origin, which according to the State party has more than 150 national groups, and by the lack of information on the socio-economic status of ethnic minority groups, particularly Roma, as well as the lack of statistics on the ethnic composition of the prison population (arts. 1 and 5).

8. Recalling its revised reporting guidelines (CERD/C/2007/1, paras. 10 and 12), the Committee recommends that the State party redouble its efforts to develop effective tools, in close cooperation with affected communities, based on the principles of self-identification and anonymity to collect data and information on the demographic composition and socioeconomic status of the population throughout its territory. This should be disaggregated by ethnic group, gender, age and region, including statistics on the ethnic composition of the prison population, in order to provide an adequate empirical basis for policies to enhance the equal enjoyment by all of the rights enshrined in the Convention and to facilitate monitoring thereof.

Domestic application of the Convention

9. While noting direct applicability of the Convention in the domestic legal system and the possibility, in the absence of the definition of “racial discrimination” in national legislation, of invoking the provisions of article 1, paragraph 1, of the Convention, the Committee is concerned about the absence of cases in which the Convention has been expressly invoked and applied in the courts of the State party (arts. 1 and 2).

10. The Committee recommends that the State party take measures to ensure that the Convention, and its direct applicability, is widely known among lawyers, prosecutors, judges and public. It also reiterates its request (CERD/C/BLR/CO/20-23, para 9) that the State party provide information on the number and type of cases in which lawyers, prosecutors and judges invoked the provisions of the Convention.

Definition and criminalization of racial discrimination

11. Notwithstanding that the Constitution of the State party guarantees equality before the law and its legislation contains piecemeal provisions prohibiting racial discrimination, the Committee remains concerned about the absence of specific and comprehensive legislation defining and prohibiting racial discrimination in accordance with article 1 of the Convention (arts. 2 and 5).

12. Recalling its previous concluding observation (CERD/C/BLR/CO/20-23, para.11), the Committee urges the State party to enact specific and comprehensive legislation containing a definition of racial discrimination in conformity with article 1 of the Convention and make racial discrimination an offence punishable by law.

National human rights institutions

13. While noting the statements of the delegation that the State party does not envisage establishing an independent national human rights institution, the Committee reemphasizes the importance and key role usually played by such institutions in supporting States parties in their efforts to implement the Convention (art. 2).

14. Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee reiterates its previous recommendation (CERD/C/BLR/CO/20-23, para.13) that the State party establish an independent national human rights institution, in compliance with the principles relating to the status of national institutions for the promotion and

protection of human rights (Paris Principles), and seeks support from the Office of the United Nations High Commissioner for Human Rights in this respect.

Independence of judiciary

15. While noting the provisions of Constitution guaranteeing judicial independence and the measures taken as part of judicial reform, the Committee remains concerned that the independence of the judiciary continues to be undermined in practice, due to, among other factors, executive control, political interference, and systematic recourse to closed trials for cases of extremism and incitement to hatred (arts. 2, 5 and 6).

16. Referring to its general recommendation N. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party effectively safeguard full independence of the judiciary, free from political control and influence, so as to ensure the proper administration of justice.

Trafficking in persons

17. The Committee notes with appreciation information provided by the State party on measures taken to combat trafficking in persons and the establishment of a mechanism for victim identification and referral. It is however concerned by the lack of information on the ethnic or national origin of victims of trafficking, on the legal proceedings initiated against the perpetrators, the judgments rendered, and the reparations granted to the victims (art. 2 and 6).

18. The Committee recommends that the State party intensify its efforts to investigate and prosecute cases of trafficking in persons and, if found guilty, punish the perpetrators and provide reparation to victims, and communicate in its next report related statistics disaggregated by ethnic or national origin.

Counter terrorism and extremism measures

19. The Committee reiterates its concerns about a lack of clarity concerning the State party's legislation on terrorism and extremism, including its scope and application. Specifically, it is concerned about reports of its arbitrary application contrary to the Convention, including with respect to freedom of expression and association, and its negative impact on activities of civil society organizations and human rights defenders, in particular those combating racial discrimination (arts. 5 and 6).

20. The Committee recommends that the State party ensure that its legislation on terrorism and extremism is not applied in an indiscriminate manner that could amount to a violation of the Convention. It further recommends the State party to ensure that civil society organizations defending human rights, in particular those tackling racial discrimination, operate in an environment in which they are enabled to carry out their activities freely without undue restrictions.

Excessive use of force

21. Considering the explanations provided by the State party delegation, the Committee is concerned about the lack of information regarding investigations and prosecutions initiated and sentences imposed on police officers involved in violence, torture and other grave violations of human rights, during and after the August 2020 protests (art. 5).

22. The Committee recommends that the State party investigate all allegations of police violence, torture and other grave human rights violations suffered by civilians, including members of national and ethnic minorities, during and after the August 2020 protests, initiate criminal proceedings against the alleged perpetrators, and if found guilty, punish them with appropriate penalties and grant a remedy to victims, including those belonging to national and ethnic minorities. The Committee also invites the State party to take measures to prevent and suppress the excessive use of force by police officers and law enforcement authorities.

Racist hate speech

23. While noting the provisions of the Criminal Code and the Code of Administrative Offences to combat racist hate speech and incitement to hatred or racial hostility, the Committee regrets lack of specific information about investigation and prosecution of specific cases, sanctions, and redress, as well as information about cases brought against the public officials. The Committee remains concerned about the lack of clarity about the application of these provisions, in particular their potential extensive limitation of freedom of expression and reported dissemination of racist ideas in the education system (art. 4).

24. The Committee recommends that the State party strengthen its efforts in combating hate speech through all appropriate measures, including investigation, prosecution of perpetrators, and if convicted, punishment of offenders and provision of redress to victims, while ensuring that those measures are applied in compliance with international standards guaranteeing freedom of expression. It also recommends that the State party ensure that racist ideas or ideas hostile to certain national or ethnic groups do not appear in educational materials.

Acts of racial discrimination and access to justice

25. Considering different possibilities for victims of racial discrimination to lodge a complaint as described by the State party, the Committee regrets the lack of information about the number of complaints received by different bodies, and the results of proceedings before them, in particular the Office of the Prosecutor (arts. 2, 5 and 6).

26. The Committee recommends to the State party to intensify its efforts in raising awareness about complaint mechanisms among public. It also requests the State party to provide in the next periodic report detailed information about the number of complaints, results of the proceedings, including sanctions and redress, disaggregated by ethnicity.

Situation of Roma

27. While appreciating the statements of the delegation of the State party on measures taken to improve the situation of the Roma minority, including removal of the provision on the payment of tax by unemployed citizens capable of work that disproportionately targeted Roma population, the Committee remains concerned about reports of manifestations of discrimination against Roma in access to education, employment, housing, social and other services as well as racial profiling by law enforcement authorities. It is particularly concerned about the low rates of enrolment of Roma children and students at all levels of education, and the enduring discrimination against Roma children and students in education (arts. 2, 5, 6 and 7).

28. Referring to its general recommendations No. 32 (2009) on the meaning and the scope of special measures in the Convention and No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:

(a) Continue taking effective measures to end racial profiling by law enforcement authorities, including through targeted training programmes, and undertake prompt, thorough and impartial investigation into all allegations of racial profiling, holding those responsible accountable and provide victims with effective remedies;

(b) Remove barriers preventing Roma children from gaining access to education, take measures enabling Roma students to remain in the educational system and develop mechanisms that allow for the detection of discrimination against Roma students;

(c) Take all necessary measures to prevent, monitor, investigate and sanction acts of discrimination against Roma in an access to an employment, housing, social and other services.

Situation of national and other minorities

29. While the Committee appreciates information provided by the delegation of the State party on measures taken to promote peaceful inter-ethnic coexistence, it is concerned about reports that members of national and other minorities are subject to administrative and other restrictions of their freedom of association, and enjoyment of the right to education, religion, language and culture, leading to *inter alia* dissolution of minority associations, closure of minority schools or cancelation of cultural events. It is also concerned about the reports that members of national and other minorities living with HIV/AIDS continue to suffer discrimination and stigmatization, including in their workplace.

30. The Committee recommends that the State party effectively implement the law on national minorities and that members of national and other minorities enjoy fully their freedom of association, education in their languages, including Polish and Lithuanian, their culture, including organizing and participating in cultural activities, and their freedom of religion. It also recommends that the State party review its legislation and policies and take measures to address stigmatization of members of national and other minorities living with HIV/AIDS, in order to ensure equality and non-discrimination, including in their workplace.

Situation of non-citizens, including asylum seekers, refugees and migrants

31. The Committee is concerned about reports of life-threatening conditions for migrants, asylum seekers and refugees at the Belarusian border with the European Union, including excessive use of force, arbitrary detention and the reported difficulties in accessing the asylum procedure. The Committee is further concerned that certain measures, such as possibility of depriving Belarusian citizens living abroad of citizenship as a result of a criminal conviction or limiting certain operations of consular services, may significantly increase the risk of statelessness, including for members belonging to national and other minorities living abroad. The Committee welcomes the pledge of the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (arts. 2, 5 and 6).

32. The Committee urges the State party to take measures to protect life and safety of migrants, asylum seekers and refugees, to prevent excessive use of force, to provide human rights training to border guards and other law enforcement officials, to continue cooperating closely with international organizations, including the United Nations, and other stakeholders to enhance the protection of the human rights of migrants, asylum-seekers and refugees, and to guarantee availability of asylum procedure in accordance with international standards. The Committee recommends that the State party ensure that its measures do not inadvertently constitute a risk of statelessness for certain categories of the Belarusian citizens, including for members belonging to national and other minorities living abroad. In line with its previous recommendation (CERD/C/BLR/CO/20-23, para. 24), the Committee encourages the State party to accelerate the process of acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Human rights training

33. While welcoming information about training on international human rights standards by the Belarussian State Institute for Further and Advanced Training for Judges and Procuratorial, Court and Judicial Officers provided by the State party, the Committee remains concerned about the absence of information about specific training and educational activities on the Convention, designed to combat racial discrimination and promote tolerance (art. 7).

34. The Committee recommends that the State party accelerate its efforts in designing and conducting specific training programmes and activities on the Convention for lawyers, judges, prosecutors, law enforcement officials, border guards and other State officials.

E. Other recommendations

Ratification of other treaties

35. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention for the Protection of All Persons from Enforced Disappearance, the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization. The Committee also encourages the State party to reconsider its position and to re-accede to the Optional Protocol to the International Covenant on Civil and Political Rights.

Amendment to article 8 of the Convention

36. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

37. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

38. In light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

39. In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

40. The Committee recommends that the State party provides for ongoing, transparent and inclusive consultation and dialogue with civil society organizations working in the area of human rights, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

41. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Follow-up to the present concluding observations

42. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 20 (combatting terrorism and extremism), 32 (situation of migrants) and 34 (human rights training) above.

Paragraphs of particular importance

43. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12 (definition and criminalization of racial discrimination), 16 (independence of judiciary), 22 (excessive use of force) and 30 (situation of national minorities) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

44. The Committee recommends that the State party submit its combined twenty-sixth and twenty-seventh periodic reports, as a single document, by 8 May 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.