

## Implementation of international human rights obligations

### 1. Equality and non-discrimination

#### Inputs of the Organization refer to UPR recommendations ## 20, 36, 43.

1.1. The Republic of Belarus has been implementing national gender policy since 1995. The most important elements of **national gender machinery** includes the National Action Plans on Ensuring Gender Equality for 2011-2015, the National Council on Gender Policy under the Council of Ministers and specialized Unit on Population, Gender and Family Policy in the Ministry of Labour and Social Protection. The Unit has the objective to promote gender awareness, monitor the status of women and analyse the situation with regard to implementation of relevant international treaties. National Gender Council (established in 2000) aims to promote the development and implementation of the gender policy. It plays an interdepartmental coordinating and advisory role; currently representatives of 4 women's CSOs are members of the National Gender Council and provide relevant inputs to its work.

1.2. In 2012 the **Concept of Gender Equality** has been developed by the Scientific Institute of Labour of the Ministry of Labour and Social Protection. The document is aimed at defining priority development areas of national gender policy and suppose to serve as fundamental document in gender domain. However, the Concept does not have a **legal status** and, therefore, cannot be referred to as a **binding document** for state institutions and CSOs involved in implementation of gender policy.

1.3. National legislation aimed at promotion of equality between women and men shall be amended with the **legal definition of gender equality**, which should be in line with relevant international treaties and obligations of Belarus.

1.4. Introduction of legal definition of gender equality should be followed by regular **gender expertise** (as a part of obligatory legal expertise) of current and new legislative acts/norms/documents. Its aim is to assess to what extent legal mechanisms ensure equality between women and men, take into account their particular needs and prevent discriminatory practices.

1.5. Current National Action Plans on Ensuring Gender Equality for 2011-2015 for the first time envisages **special measures** on increase fathers' involvement in family responsibilities and greater attention to women's reproductive health (prevention of breast cancer). However, the format of the Plan does not include any **indicators of its implementation**, which makes difficult to measure its progress. IPA "Gender Perspectives" calls the Ministry of Labour and Social Protection to strengthen **monitoring system** of National Action Plan for 2016-2020 by incorporating **qualitative and quantitative** indicators, including **financial allocation** for Plan realization.

1.6. National legislation applies significant protective measures for women on the labour market. Nevertheless, women face **wage gap** up to 20%<sup>1</sup>. The World Bank Report suggests<sup>2</sup> that only 3% of the wage gap between women and men could be explained by different qualification, experience and other objective and measurable features. Yet, major part of income difference can be considered as **gender discrimination**. Therefore, the Organization suggests conducting **additional study** aimed at analyzing the **cause** of gender wage gap and providing recommendations for its elimination.

1.7. In order to enhance **gender balance in professional and family life**, the Organization suggests Government of Belarus to undertake steps for becoming Belarus a party to the **ILO 156**

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<sup>1</sup> National Statistical Committee of the Republic of Belarus. Women and Men of the Republic of Belarus. Statistical Book, 2013. Minsk.

<sup>2</sup> Atamanov, Aziz; Sattar, Sarosh. 2014. Belarus - Country gender profile. Washington DC; World Bank Group.

**Convention** on Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

**Inputs of the Organization refer to UPR recommendations # 24.**

1.8 In 2013-2014 the Government in cooperation with international organisations undertook **significant efforts** in combatting domestic violence in Belarus. In April 2014 the Law “On basic activities aimed at offence prevention” has entered into force, containing legal definition of “violence in family”, **innovative provision** of “restriction order” for aggressors and obligations of (local) authorities to develop regional programmes against domestic violence and coordinate its implementation. The **network of state crisis rooms** is being developed all over the country. The **national toll-free hotline** (run by national CSO) for domestic violence survivors operates 12/7 and provides counselling for affected adults.

1.9. As the Law “On basic activities aimed at offence prevention” does **not stipulate measures** for aggressors for not complaining with restriction order, the Organization suggests including relevant provision into the Administrative Code. In addition to punishment measures, **counselling/correction services** should be available for aggressors to control their violent behaviour and ensure sustainable results of addressing domestic violence.

1.10. Increasing number of state crisis rooms should be ensured by **adequate services** for victims of domestic violence responding to their actual needs: over-night facilities, admission on a day of request, accommodation with children.

1.11. Specialists of different **professional groups** should be **trained** on dealing with domestic violence issues – identification of domestic violence cases and referring to support services, providing assistance, ensuring protection and access to justice, coordination with other state and non-state actors. In order to guarantee sustainability of efforts, professional capacity building trainings should be introduced into **curriculum** of post-graduate and advanced educational institutions of responsible ministries – Ministry of Labour and Social Protection, Internal Affairs, Education and Health.

1.12. In order to measure progress in combating domestic violence, the **data collection system** of the law-enforcement bodies and social services need **to be improved**. The Organisations suggest including following gender disaggregated data: profile of victim and perpetrator, relations (spouses, partners, parents-children, siblings, etc.), age, profile of domestic violence (suffered and committed), conviction rate, and assistance provided.

1.13. Measures counteracting domestic violence should be supplemented by **wide awareness campaigns** addressing different target groups: women, men, youth, children, specialists of state and non-state institutions, religious organisations. Campaigns should challenge (gender) stereotypes justifying domestic violence, educate about violence identification, inform about support services, including national hot-line number and crisis rooms, promote healthy family relations.

1.14. The Organization **highly assesses** practical experience resulted from the international projects on combatting domestic violence and promotion of gender equality implemented in 2012-2014 by Government of Belarus in cooperation with UNFPA Belarus. It is suggested that the outcomes of the projects will be **widely shared and replicated** all over the country, in particularly, in the area of inter-sectoral response and coordination between state and CSOs institutions.

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

**Inputs of the Organization refer to UPR recommendations ## 25, 26, 27.**

2.1. Belarus **demonstrated sustainable efforts in combatting trafficking in human beings** for the reporting period, especially in prosecution of traffickers and legislation improvement. The quantity of crimes, especially of trafficking with sexual exploitation, is rapidly decreasing<sup>3</sup>. Owing to the significant governmental support, the broad advertisement of National infoline 113 on combatting trafficking, run by CSOs, is organized throughout the country, thus also contributing to the decreasing of trafficking. The special attention is paid to the issue of control over child pornography, resulted in adoption of numerous amendments to the Criminal code in this regard.

2.2. Counter-trafficking Law regulates the participation of the governmental and non-governmental organizations, international organizations in the national CT activities. State commits to establish National Rapporteur's position lead by the Minister of Interior. In order to execute the legal provisions and to improve the interagency cooperation for the victims' identification and referral process, the **formal up-to-date National referral system (hereinafter – NRM) should be established**. The Organization welcomes the decision of the state to include officially anti-trafficking CSOs into working group on NRM elaboration.

2.3. The government has been passing laws and by-laws to fully conform to the international and European law. The Organization welcomes the accession of Belarus to the Council of Europe Convention on Action against Trafficking in Human Beings. However, since 2014 government withholds the adoption of separate National counter-trafficking action plans, vice includes separate counter-trafficking provisions into the State programme to combat criminality and corruption № 26-07ркс-2013 dd. 15.03.2013. These steps formally **lower the ownership of the government into social rehabilitation of victims and general prevention, including tackling root-causes of trafficking**, contributing substantially to prosecution of traffickers. Adoption of the separate National counter-trafficking action plans for forthcoming periods would provide solid grounds for realisation of comprehensive human rights approach to prosecution, prevention, protection and partnership in combatting trafficking.

2.4. International Training Centre at the Academy of the Ministry of Internal Affairs in Minsk launched in 2013 the training course on protecting the human rights of victims of human trafficking for representatives of law enforcement bodies with the substantial input from the side of anti-trafficking CSOs. In order to **increase further understanding and practical application of the human rights –oriented concepts**, underlying most of the international documents and being introduced into Belarussian legislation, such as reflection delay, informed consent, confidentiality, non-coercion, etc., **specialized tuition should be continued** for all stakeholders, including for CSOs, using the broad facilities of the International training center at the Academy of the Ministry of Internal Affairs.

2.5. Trafficking for labour exploitation remains to be relatively latent for law-enforcement, due to the complexity of prosecuting cases happening on the territory of Russian Federation. **To improve correct identification of victims of forced labour on all levels**, including by CSOs and police, **specialized trainings should be organized** for all front-line stakeholders responsible for identification. **The practical work with Russian police and migration services should be enhanced** in order to protect Belarussian labour migrants and to prevent slavery-like conditions and labour exploitation in Russian Federation.

2.6. According to the Ordinance of the Council of Ministers № 381 dd. 21.04.2012, victims should be granted the temporary safe place with lasting catering for 10 days, however almost all

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<sup>3</sup> See official statistics of Ministry of Interior of the Republic of Belarus: <http://mvd.gov.by/ru/main.aspx?guid=5421>

crisis rooms of the state territorial centres are working only during day-time. In recognition of this gap, law enforcement bodies direct almost 98% of their referrals to CSOs and international organisations for social rehabilitation, rather than to the state system. Thus, there is a need **to increase the state ownership in rehabilitation process.**

2.7. In 2013 Government introduced **State Social Contracting System** as a part of amended Law on Social Services. New provision allows local authorities provide financial means for CSOs for rendering social services, based on priority areas defined by local administration. However, since 2013 CSOs services in the area of prevention of human trafficking **are not recognized eligible** for state funding, while the vast majority of trafficked victims have been referred for rehabilitation assistance to CSOs and international organizations.

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