

## BELARUS

### CESCR E/1988/14

152. The second periodic report of the Byelorussian Soviet Socialist Republic, concerning the rights covered by articles 10 to 12 of the Covenant (E/1986/4/Add.19), was considered by the Committee at its 10<sup>th</sup> to 12<sup>th</sup> meetings, held on 15 and 16 February 1988 (E/C.12/1988/SR.10-12).

153. The representative of the State party introduced the report. He provided additional information and brought the Committee up to date on laws passed since the submission of the report. Among other things, he stated that over the years 1986-1987 industrial output had increased by 14 per cent and agricultural output by 13.8 per cent. Allowances and benefits from social consumption funds had risen by 10.6 per cent. Workers' average wages had increased by 8.2 per cent and collective-farm workers' earnings by 14.3 per cent. A law had been promulgated on 1 May 1987 to promote individual labour activity. Co-operative activities had been encouraged in various sectors of production, trade and services. In 1987, 500 co-operatives had been set up.

154. The representative also stated that his Government was trying to step up the rate of housing construction, the aim being a flat for every family by the year 2000. In 1986 and 1987, 200,000 families had been able to move into new flats.

155. On the progress made in implementing the rights covered by article 12 of the Covenant, he said that in 1986-1987 there had been pay rises in medicine and teaching. The demographic indices had improved, with the birth rate rising and the death rate falling. He gave the relevant figures. Members of the Committee were informed that in January 1988 new legislation had been adopted on psychiatric care, providing for greater social and legal safeguards in the provision of such care.

156. In conclusion, the representative of the State party, noting the difficulties encountered in implementing the rights in articles 10 to 12 of the Covenant, said that in the Byelorussian SSR the public authorities and social organizations had in recent years redoubled their efforts to ensure that the principles of social justice were respected more effectively and that greater benefit was derived from the humanist principles underlying the socialist socio-political system. It was in that spirit that perestroika, or restructuring, was being carried out in all fields in the Byelorussian SSR.

### General observations

157. The Committee expressed its appreciation to the Government of the Byelorussian Soviet Socialist Republic for its report and to the representative for his oral statement containing additional information. Members of the Committee noted the substantial progress made since the submission of the initial report (E/1980/6/Add.18) and, particularly over the past two years, in implementing the rights in question. It was observed, however, that the report contained very few meaningful statistics which would have enabled an evaluation to be made of the status of economic and social rights as opposed to the general economic situation.

158. With reference to perestroika in the Byelorussian SSR, members of the Committee expressed a desire for more information on the way it affected citizens' economic and social rights and the measures that ought to be taken in order to ensure that those rights were respected when society was undergoing a radical change. How could an individual who considered himself economically and socially injured by the State assert his rights, what remedies were available to him and what body could he appeal to? What were the practical results of the first years of perestroika and what sectors of the economy had benefitted most?

159. Questions were asked about the rights of aliens in general and of political refugees and stateless persons in particular, whether they enjoyed the same social advantages as citizens and whether women's pay was equal to men's.

160. Noting that the Byelorussian SSR was anxious to protect its citizens' economic, social and cultural rights, members of the Committee observed that the report did not contain enough information on the difficulties encountered by the Government in ensuring that those rights were respected. They expressed a desire to have more statistics for purposes of comparison.

161. The representative of the State party, replying to the questions of a general nature, gave further information on the various aspects of perestroika in his country and stated among other things that it had so far had two major effects, namely, the adoption of the law on State enterprises and the emergence of a powerful current of opinion in favor of reform.

162. As regards the right of every individual to take part in decision-making, it was exercised at work through the trade unions and at the national level through the election of deputies to local Soviets and to the Supreme Soviet. In June 1987, 33,000 deputies in local Soviets had been workers and 23,000 collective-farm workers.

163. In State enterprises, the staff had to be involved by law in decisions on important questions. Thus in the first half of 1987, 200 heads of enterprises and 2,000 supervisory staff had been elected by the staff. The trade unions ensured that agreements reached with the management were complied with, particularly as regards safety and health in the work place. Finally, individual rights were protected by the Public Procurator's Office. In addition, under a law that had come into force on 1 January 1988, any individual who considered that his rights had been violated, that his superiors had abused their authority or that he had been wrongfully dismissed could take the matter to court. In addition, the people were fully informed of all measures taken to ensure openness and the democratic nature of the country's institutions.

164. Replying to the question concerning the application of the twelfth five-year plan, the representative of the State party gave additional information. The Committee was provided with figures showing the difficulties encountered in carrying out the plan.

165. On the status of aliens, it was stated that under article 31 of the Constitution of the Byelorussian Soviet Socialist Republic, aliens resident in the country enjoyed the same rights as citizens with regard to education, health, the family, work. Retirement and all economic, social and cultural rights. They could also appeal to the courts if they considered that their rights had been violated. In addition, the Family and Labor Codes specified that in situations not covered by the

Byelorussian SSR's domestic legislation, the applicable law was that of the international instruments to which it was a party.

166. As regards the question on the equality of the sexes, the representative of the State party quoted figures to show that equality between men and women was ensured by the relevant legislation and by the whole system of socio-economic guarantees.

#### Article 10: Protection of the family, mothers and children

167. Members of the Committee asked for details on part-paid leave for mothers to look after their children, on the possible introduction of paternity leave when the mother was alive, thus allowing for the possibility of a choice between the parents, and on the existence of free unions in the Byelorussian SSR. With reference to the legislation on marriage and the family, the main aim of which was complete protection of the interests of mothers and children, it was asked why the interests of the father had not been mentioned. Further information was requested on the decision by the Council of Ministers of the Byelorussian SSR of 7 December 1982 concerning marital and family relations.

168. In answer to the questions asked, the representative of the State party, citing the provisions of the law on the subject, gave detailed replies, saying among other things that part-paid leave meant that for one year a mother could obtain a benefit amounting to 35 roubles per month. The 14 days' leave to look after a sick child could be taken by the father, or the mother, but it was traditionally the mother who took it. He stated that a single father enjoyed the same benefits as a single mother. On the question of free unions, he said that the idea did not exist in the Byelorussian SSR and that co-habitation had no legal consequences if there were no children.

169. With regard to family allowances, members of the Committee were informed that, from the third child onwards, families received a monthly allowance. Large families enjoyed certain social advantages and poorer families got an allowance of about 12 roubles per month per child. Single mothers who received no maintenance from the father of their children were entitled to government aid of 20 roubles per month per child under the age of 16.

#### Article 11: Right to an adequate standard of living

170. It was noted that income distribution was relatively equitable in the Byelorussian SSR, but that new types of problems were arising at present, and in particular the problem of reconciling incentives for productivity and hard work with benefits from social consumption funds, which were meant to satisfy needs and not to reward work. Concerning the reference in the report to subsidies paid for children's clothing, it was said that this action by the State, although praiseworthy in itself, was liable to create distortions in the economy and that it would be more rational to pay allowances to families with children than to give enterprises subsidies. More information was requested on the subject.

171. Details were requested on the arrangements in the Byelorussian SSR for determining pay levels, whether for State employees, independent workers or collective-farm workers. With reference to article 23 of the Constitution of the Byelorussian SSR, which says that the State follows

a consistent policy of raising the level of pay for work and workers' real incomes, it was asked what happened if labour productivity did not increase and if it declined by any amount.

172. It was also asked what criteria were used to determine pay differentials, whether within one and the same enterprise or between different sectors of the economy.

173. On the question of housing, it was asked by what means the construction of private housing was encouraged, what the level of rents was and what measures had been taken on tenants' rights since the submission of the initial report.

174. In answer to the questions asked, the representative of the State party said that as far as the balance between workers' pay and family benefits paid out of social consumption funds was concerned, there were both negative and positive aspects to the problem which he described. He said that the Government was aware of the problems, and that one of the aims of perestroika was to find solutions to all of them. With regard to subsidies for children's clothing, he said that the only other option would be to raise wages, but that for historical reasons the Byelorussian SSR had chosen to grant subsidies.

175. On the question of pay, he stated that workers' wage levels were determined by government bodies after consulting the trade unions and that in fixing wage levels various factors were taken into account, such as, for example, the cost of living, the field of activity, the qualifications and the working conditions. A distinction should be made, he said, between the basic salary and various bonuses, which could amount to 30 to 50 per cent of the wage. If productivity declined, the bonuses went down, but the base salary remained unchanged. As far as collective-farm workers were concerned, their income depended on the income of the collective farm in question; the criteria for determining wage differentials in agriculture were roughly the same as in industry.

176. On housing, he said that the national norm was 12 m<sup>2</sup> of living space per inhabitant and that the average in the Byelorussian SSR was 16.9 m<sup>2</sup>. That did not mean, he stressed, that the living space was evenly distributed: at the beginning of 1988, 600,000 persons had been seeking better housing.

#### Article 12: Right to physical and mental health

177. Having noted the progress made by the Byelorussian SSR since its initial report, particularly in the last few years, members of the Committee asked for more information on measures taken to reduce the rate of infant mortality, the action taken against smoking and alcoholism, medical services in rural areas and the results achieved.

178. With reference to new laws on psychiatric care, members of the Committee asked for more information, in particular on how they protected individual rights and freedoms and what measures were being taken to ensure that the new legislation was applied and to combat psychiatric illness. Information was also sought as to the nature of the problems which had given rise to the need for the new law governing psychiatric institutions. Particulars were requested on the number of psychiatric hospitals. It was also asked whether any cases of AIDS had been recorded in the Byelorussian SSR and how the disease was approached from the human rights standpoint.

179. In answer to the questions asked by members of the Committee, the representative of the State party said that the birth rate in the Byelorussian SSR was 16.1 per thousand and the death rate 9.7 per thousand. He told the Committee that in the Byelorussian SSR there were 39 doctors per 10,000 inhabitants and that the level of medical care was lower in the country than in the town.

180. With regard to environmental protection and health, he informed the Committee about steps taken to curb smoking and to combat alcoholism and about the results achieved. He stated that the powers of the State committee responsible for environmental protection had been considerably widened at the beginning of 1988.

181. In reply to the various questions asked by members of the Committee about psychiatric hospitals, he gave the Committee information requested, in particular on the legal and social safeguards contained in the recent legislation. For example, a doctor who caused a patient to be taken into hospital against his will would be liable to up to two years' imprisonment. He stated that in the six hospitals in the six regions (each serving a territory of over 30,000 km<sup>2</sup> and a population of up to 2 million), only one complaint had been reported in January 1988, the patient having contested the psychiatrist's decision.

182. With regard to the question on AIDS, he cited figures from the Ministry of Health, stating that by the end of 1987, six cases of AIDS had been reported, five of the persons concerned being foreigners and the sixth having contracted the disease abroad, and that appropriate legislation was being prepared on the subject.

#### Concluding observations

183. Members of the Committee thanked the representative of the State party for his excellent presentation. Some members noted that the report contained very few references to difficulties which had been encountered, as required by the Covenant, and the view was expressed that a supplementary report should be submitted. Other members expressed their strong satisfaction with the report and with the manner of its presentation.

## CESCR E/1993/22

59. The Committee considered the second periodic report of Belarus concerning articles 13 to 15 of the Covenant (E/1990/7/Add.5) at its 2<sup>nd</sup>, 3<sup>rd</sup> and 12<sup>th</sup> meetings on 23 and 24 November and 2 December 1992 (E/C.12/1992/SR.23 and 12).

60. In his introductory statement, the representative of the State party said that important political and economic changes had occurred in his country since 25 August 1991, when the Supreme Soviet of Belarus had proclaimed the sovereignty of the Republic. As from December 1991, when the 1992 Treaty establishing the Soviet Union had been superseded by the Agreement establishing the Commonwealth of Independent States, the Supreme Soviet of Belarus had initiated legislative action in all spheres of public life. Thus, at its session in October 1992, the Supreme Soviet had had before it a draft constitution, together with various bills relating to the rights of children, state assistance to families and children of school age, the minimum wage and the conservation of the cultural and historical heritage.

61. The weakening, not to say disappearance, of the economic links between the various States of the Soviet Union had had an adverse effect on the overall economic situation of Belarus: the national income had fallen by 15 per cent and production had collapsed in many industrial and agricultural sectors; 52,500 people had been without work at the beginning of September 1992, and 23 per cent of them had been given unemployed status. He emphasized that, despite the difficult situation experienced by his country in this transitional period, his Government was, in its legislative action, taking into account the international obligations incumbent on Belarus under the various international treaties, and in particular the International Covenant on Economic, Social and Cultural Rights.

### General observations

62. The members of the Committee requested information on the new political structure of Belarus and the new legal framework within which human rights were safeguarded. They wished to know: what value was attached in domestic law to the rights embodied in the Covenant; what had been the repercussions, *de jure* and *de facto*, of the current political and economic transition on the exercise of economic, social and cultural rights; what practical measures the Belarusian Government had taken in support of particularly vulnerable and disadvantaged groups in the present economic situation; to what extent the rights embodied in articles 13 to 15 were guaranteed to non-nationals; and what percentage of the State's overall budget was allocated to education and cultural activities.

63. Some members of the Committee wished to know: whether Belarus really had sufficient means to provide free education at all levels; what was the role of the Russian language in the areas of education and culture, on television and in the cinema; what procedures were available to a private individual to secure recognition and effective enjoyment of his rights when he considered that they had been infringed; and whether the exercise of the rights set forth in articles 13 to 15 of the Covenant was subject to any restriction.

64. Replying to the general questions, the representative of the State party said that the population

of Belarus was more than 10 million, of whom about 80 per cent were Byelorussians. In addition, the population comprised about 1.2 million Russians, 450,000 Ukrainians, 400,000 Poles and other nationalities. The role of the Russian language was not likely to decline because 90 per cent of the population spoke Russian and the majority of the population of Belarus spoke Russian better than Belarusian. To remedy that situation, two solutions had been envisaged: giving official-language status only to Belarusian or giving it to both languages, Belarusian and Russian. As regards the status of aliens, he said that, under article 11 of the Constitution, they enjoyed the same rights and had the same duties as Belarusian citizens. If national legislation was at variance with the international treaties ratified by Belarus, the provisions of the latter would prevail. At present 10 per cent of the national budget was devoted to education and at least 3 per cent of the budget was to be devoted to the development of cultural activities.

#### Articles 13 and 14: Right to education

65. The members of the Committee asked: whether the principle of free education had been maintained at all levels of education; what was the minimum age for pre-school education, and what changes had occurred since submission of the written report; what precisely was the function of out-of-school education, which had been described as a key element in the country's education system; what were the differences between complete secondary education and incomplete secondary education; what was the number of pupils, by sex, at all levels of the education system. They also requested more detailed information on the salaries of teachers at all levels and on the possibility for teachers to organize in order to safeguard their professional interests.

66. In addition, some members of the Committee wished to know; whether in Belarus there were any illiterates or adults including the elderly with very little education and, if so, what opportunities the education system gave them; what was the proportion of schoolchildren who completed primary education and went on to secondary education, and that of young people who went on to higher education after secondary education. Noting that in many former socialist countries school curricula had had a substantial ideological content, they asked: whether, once that ideology had been abandoned, there had been plans to revise curricula and textbooks at all levels in the light of the internationally recognized standards; if that was the case, what problems had been encountered and whether the cooperation of other countries had been sought in that connection.

67. Some members wished to know: whether it was possible, in legal terms, to open private institutions at the three levels of education and what was the attitude of the Government to private education; whether freedom of religion had facilitated religious and moral education in schools, and whether there had been an increase in demand from parents for such education for their children. Some members requested further information: on the maintenance of foreign students from developing countries; and on measures taken, possibly through international cooperation, to give those students the means of continuing their studies in Belarus and hence continuing to enjoy their right to education. They also wished to know whether any new universities or faculties had been founded recently, and what had become of the academic autonomy of institutions of higher education in the new conditions prevailing in Belarus.

68. Replying to the questions asked about the implementation of articles 13 and 14 of the Covenant, the representative of the State party said that article 5 of the Byelorussian Education Act proclaimed

the right of citizens to free education in the ordinary state schools, and in certain other institutions for persons who had passed a particular examination or met certain criteria. However, in view of the decline in budgetary resources resulting from the fall in production, the authorities were endeavoring to reduce expenditure on education. They therefore had the intention to introduce fees for education in the tenth and eleventh grades. In the Republic of Belarus, pupils followed the full cycle of compulsory basic education, which was nine years. After the ninth year, about 12 per cent of the pupils went on to specialized educational institutions; 30 per cent went to vocational and technical training institutes; and about 50 per cent continued their studies in the tenth year, following a general secondary education; 20 to 25 per cent of the latter continued their education in institutions of higher education. He described the system of non-school educational institutions, where more than 300,000 children continued their studies. The first private schools had begun to operate in Belarus. Those schools were accessible only to children of well-off families, since the average monthly wage was 5,777 roubles, whereas the average monthly fee for a private school was 6,000 roubles. The Government considered that private schools helped to raise the level of education, although the tuition given in them had to comply with all government requirements. There were no private universities or technical institutions.

69. The representative stated that the literacy rate in Belarus was very high. In Belarus the elderly had access to education in evening classes and through the highly developed system of correspondence courses. Unfortunately, the introduction of a market-economy system was likely to have a negative impact on the accessibility of those traditional forms of education to the elderly. Education was being depoliticized. Purely ideologically oriented subjects had been dropped from the curricula. As regards teachers' salaries, the Government had taken appropriate measures, inter alia, raising them by 50 per cent on 15 September 1992. In October 1992, the Supreme Soviet had promulgated a law which provided that, in technical education, a teacher's salary should no be less than the remuneration of a comparable employee in industry (at present about 5,500 roubles).

70. As for foreign students, the representative said that as many as 5,000 to 6,000 foreigners, especially from Africa, studied in Belarus. In the past their education had been free of charge, and no payment had been required for housing. Currently, due to the financial difficulties which had arisen as a result of the entry of Belarus into the market economy, institutions of higher education had decided to charge fees for foreign citizens, but those fees were considerably lower than in other countries. In spite of this, there had even been an increase in the number of foreign students from countries such as China and Turkey.

71. A number of new institutions of higher education had recently been created, especially for specialized training and training in the field of management and marketing in response to the changeover by Belarus to a market economy. The number of students in higher education had not fallen despite financial difficulties. Institutions of higher education had been granted substantial autonomy. Rectors and professors were appointed by the academic staff in a secret ballot. The atmosphere in the universities was normal, although protests sometimes occurred over the low salaries.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors



72. Having noted that during the consideration of the initial report reference had been made to the existence of “banned categories” of books and publications, the members of the Committee asked whether the political changes which had occurred in recent years had been reflected in liberalization enabling those categories to be eliminated and in greater freedom of creative activity in general. They wished to know: whether censorship had been abolished and what measures had been adopted (a) to give effect to the right of everyone to enjoy the benefits of scientific progress and its applications, and (b) to guarantee the right of everyone to protection of the moral and material interests originating from any scientific, literary or artistic product of which they were the originator. Members requested further information: on the legal, administrative and judicial regimes established to ensure respect for, and protection of, the freedom essential for scientific research and creative activities; on the situation of the ethnic and language minorities and their opportunities for effective enjoyment of the rights enunciated in articles 13 to 15 of the Covenant; on the measures through which the Government of Belarus promoted and developed international cooperation in the scientific and cultural spheres.

73. In addition, members of the Committee wished to know whether legislative and other measures had been taken to protect the environment and also thereby to guarantee the rights enunciated in article 15 of the Covenant and whether appropriate opportunities were given to adults and elderly persons in the area of cultural activities and leisure.

74. Responding to members’ questions and comments, the representative of the State party said that the Culture Act of the Republic of Belarus, adopted on 4 June 1991, was intended to guarantee the sovereign rights of the Republic in the area of culture and respect for the principles of ideological and political independence, and to establish the institutions necessary for the free development of culture and to ensure their financing. In addition, freedom of artistic creation, cultural pluralism, the free access of all to the values of culture and the protection of intellectual property were guaranteed. Priority had been given to the development of Belarusian culture, while taking account of the culture of other nationalities. The substantial subsidies for culture, which had been customary in the past, would be maintained. Thus, the Culture Act provided for 3 per cent of the national budget to be devoted to subsidies for cultural activities.

75. He stated that the process of democratization in Belarus had permitted the abolition of censorship and lists of banned books. As regards the right of minorities to use their own language, article 10 of the Act on the use of languages in the Republic of Belarus guaranteed the right of everyone to develop their culture in their own language, and to use it in schools and in all cultural activities.

76. The representative stated that Chernobyl had been a great disaster and an enormous obstacle to normal development. Although the disaster had not taken place on its territory, Belarus had suffered 50 per cent of the total damage and the after-effects had not yet been fully ascertained. The international aid received after the catastrophe had been very useful and greatly appreciated. At the same time, he noted that the financial and material aid provided by the United Nations and UNESCO had not been adequate. As regards international cooperation, Belarus was currently in the process of negotiating cultural cooperation agreements with various countries, including Germany, Italy, France, Slovenia, Poland, Turkey and China.

## Concluding observations

77. The Committee expressed its appreciation to the State party both for the written report and for the presentation of the report by a high-ranking delegation. In view of the fact that the written report dated back to 1989, it was only through the oral introduction and the replies given by the delegation that the Committee was able to get a somewhat clearer picture of how the profound changes in the political and economic situation of Belarus were affecting the enjoyment of the right to education and the right to participation in the cultural life of Belarus. The Committee commended the State party for the timely submission of its report despite the grave economic difficulties which it was facing. The Committee considered it particularly important that States parties which, like Belarus, found themselves in a period of transition towards a market economy performed their reporting obligations in a timely and thorough manner because it was precisely the enjoyment of economic, social and cultural rights by the more vulnerable part of the population which was prone to be adversely affected during such difficulties of transition.

78. For the Committee to obtain a clear picture in that regard, it was necessary, however, that the information presented be specific, precise, transparent, supplemented by meaningful statistics, focused on difficulties encountered and stressing the dynamics of the new developments. From that point of view, both the written report and its introductory update left the Committee dissatisfied in a number of respects. As already mentioned, the written report itself must be considered in large part obsolete. The supplemental information provided in the oral part of the Committee's proceedings could only partly compensate for this shortcoming. The oral information was not sufficiently comprehensive, sometimes subjective in nature and not adequately supported by reliable statistical data. Hence, it was very difficult for the Committee to engage in a meaningful dialogue with the delegation focusing on concrete and tangible points. The Committee arrived at the overall impression that the Government of Belarus was engaging in a serious effort to preserve its noteworthy achievements in the fields covered by the report under the new economic circumstances while at the same time opening up education and culture to a freer exchange of ideas. The Committee found it impossible, however, to discern the more exact contours and features of those changes from the piecemeal information given. Among the problems that could be identified despite the difficulties referred to, the Committee noted with particular concern the intention of the Government of Belarus to introduce fees for education in tenth and eleventh grades.

79. In view of the fact that Belarus was scheduled to submit its third periodic report on articles 1 to 15 of the Covenant by 30 June 1994, the Committee decided not to request the additional information which it would otherwise have considered necessary.

## CESCR E/1997/22

268. The Committee considered the third periodic report of Belarus on articles 1 to 15 of the Covenant (E/1994/104/Add.6) at its 34<sup>th</sup> to 36<sup>th</sup> meetings on 21 and 22 November 1996 and, at its 54<sup>th</sup> meeting on 5 December 1996, adopted the following concluding observations.

### A. Introduction

269. The Committee is gratified that the State party punctually submitted its third periodic report, which complied with the Committee's guidelines regarding the form and contents of reports. It appreciates also the additional written information provided in response to its list of issues, although the latter information did not follow a sufficiently clear format. The Committee welcomes the high level of the delegation representing the State party, with which it engaged in an open and constructive dialogue. With some exceptions, the members of the delegation provided satisfactory oral replies to most of the Committee's questions.

### B. Positive aspects

270. The Committee welcomes efforts by the State party to improve and update its legislation and to bring it into line with the socio-economic sphere. In particular, it regards as positive developments the steps taken to update the Labour Code, the Act on collective agreements and work agreements, the Act on pension provision, the Act on employment and the Act on procedure for the settling of labour disputes, as well as the authorities' dialogue on these questions with experts from the International Labour Organization.

271. The Committee notes that the Government is taking steps to combat unemployment, inter alia by setting up and boosting the efficiency of a State employment service and a vocational training and retraining scheme, and by drawing up yearly government employment programmes to aid the unemployed in finding work and offer them material support.

272. The Committee notes the State party's efforts to cope with the aftermath of the accident at the Chernobyl nuclear power station, including the provision of medical assistance to those directly affected and welfare measures for those who were in the vicinity at the time of the accident.

273. The Committee also notes efforts by the Belarusian authorities to incorporate human rights issues in school curricula and teacher-training schedules, and the corresponding segments and specialized courses in vocational training, retraining and further education programmes for professionals of all categories. It also notes with satisfaction the establishment of a Human Rights Chair at the Academy of the Belarusian Ministry of Internal Affairs.

274. The Committee welcomes the statement by the head of the Belarusian delegation that his Government endorsed the idea of an optional protocol to the International Covenant on Economic, Social and Cultural Rights establishing a formal complaints procedure for alleged violations of the Covenant.

275. The Committee is gratified that the third periodic report of Belarus has been issued as a pamphlet and sent to libraries, the mass media and non-governmental organizations in the State party.

#### C. Factors and difficulties impeding the implementation of the Covenant

276. The Committee notes that Belarus is undergoing rapid changes in its development and is experiencing the sort of difficulties in socio-economic matters that are typical in many countries with economies in transition. The dissolution of the Soviet Union has adversely affected the Belarusian economy, especially its industry, large parts of which were closely linked to and dependent on the economies of other republics of the former USSR.

277. Escape from economic crisis is rendered more difficult by the fact that Belarus, with few natural and energy resources of its own, is heavily dependent on raw materials and energy from elsewhere. Rising energy costs have directly affected prices for basic necessities and food.

278. The clean-up after the accident at the Chernobyl nuclear power station is said to absorb up to 20 per cent of the annual budget. International donors and investors have withheld their aid or investments pending the introduction of legal and economic reforms. Many of the country's present economic and social difficulties show the need to expedite economic reforms and to build up democratic institutions based on the principles of the rule of law.

#### D. Principal subjects of concern

279. The Committee observes that the establishment of a regime that concentrates power in the presidency at the expense of the independent role of the Parliament and the independence of the judiciary is not consistent with the political environment necessary for the exercise of human rights, including economic, social and cultural rights.

280. The Committee expresses its deep concern at the growing number of people in Belarus living at or below the poverty line, the sharp decline in purchasing power and the widening gulf between rich and poor, with the poorest segments of the population having extremely low incomes.

281. The Committee also expresses concern that crime, drug use and corruption are on the increase.

282. The Committee is concerned that some 600,000 children still live in the zone affected by the accident at the Chernobyl nuclear power station.

283. The Committee is concerned at the rise in unemployment, particularly in relation to its disproportionate impact on women. It is also concerned at the discrimination against women in appointment to jobs.

284. The Committee is disturbed at the legal status of trade unions in Belarus, particularly the shortcomings of the legislation regulating their activities and the existence of certain legislative provisions which restrict freedom of association. It notes with concern that a number of formerly recognized major trade unions, all of which have been required to register again under the new

legislation, appear to have been prevented from applying for re-registration with the Ministry of Justice.

285. The Committee expresses its preoccupation at the fact that the report contains no information on treatment of persons infected with HIV/AIDS. The delegation's assurance that there exists sexual counselling for men as well as for pregnant women does not eliminate the Committee's concern that such services are inadequate.

286. Although the Committee notes the Government's assurance that sufficient detoxification and rehabilitation centres for drug and alcohol addicts have been created, it remains concerned that what is being done in this area does not appear to be sufficient to meet the needs that exist.

#### E. Suggestions and recommendations

287. The Committee is gratified that article 8 of the Belarusian Constitution acknowledges the primacy of principles of international law and requires national legislation to conform to those principles. The Committee, taking note of the acknowledgement by the delegation that Belarusian legislation needs to be reviewed to bring it into conformity with the Covenant, recommends that the necessary measures be taken as soon as possible and that the human rights legislation to be enacted in Belarus should closely match internationally acknowledged standards.

288. The Committee emphasizes that any economic reform adopted should be undertaken in a manner that is consistent with protection of the economic and social rights of the poorer segments of society.

289. The Committee draws the Government's attention to the need to update the legislation governing the freedom of activity of trade unions and the need for legislation on the right to strike. Such legislation should accord with the provisions of the Covenant and with ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948) and No. 98 (Right to Organize and Collective Bargaining Convention, 1949). The Committee urges that consideration be given to limiting the number of sectors in which workers do not have the right to strike to no more than those authorized by relevant international standards, such as the armed forces, the police, etc.

290. The Committee also calls upon the Government to adopt legislation and practical steps to combat discrimination against women in employment.

291. The Committee notes the need for the State party to respond to the challenge of HIV/AIDS with adequate new legislative and social measures. In this connection, it would be appropriate if the Government coordinated with the relevant departments of the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS). The Committee requests the Government to provide, in its fourth periodic report, relevant statistics and information on concrete measures undertaken in that respect since the consideration of the third report.

292. The Committee requests the State party, in its fourth periodic report, to supply information on the steps it is taking to raise the standard of living, reduce unemployment and eliminate the

restrictive legislation governing trade unions.

293. The Committee recommends that the Government increase its efforts in relation to human rights education so as to ensure that all categories of students, teachers, judges, the police and other law enforcement agents are covered.

294. The Committee calls upon the State party to consider the adoption of measures which would enable the courts to take account of and apply the rights recognized in the International Covenant on Economic, Social and Cultural Rights.

295. The Committee encourages the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's third periodic report.