



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the seventh periodic report of Belarus*

1. The Committee considered the seventh periodic report of Belarus¹ at its third, fifth and seventh meetings,² held on 15, 16 and 17 February 2022, and adopted the present concluding observations at its thirtieth meeting, held on 4 March 2022.

A. Introduction

2. The Committee welcomes the submission by the State party of the seventh periodic report, based on the list of issues prior to reporting drawn up by the Committee.³ The Committee expresses its appreciation to the State party for having accepted the simplified reporting procedure, as it provides an opportunity for focused consideration of the report and dialogue with the delegation. The Committee appreciates the constructive dialogue held with the State party's delegation.

3. The Committee notes the statement by the delegation that it intends to continue to provide a decent standard of living and social security for its entire population despite the challenges it faces, including the unilateral restrictive measures imposed.

B. Positive aspects

4. The Committee welcomes the legislative, institutional and policy measures taken by the State party to enhance the realization of economic, social and cultural rights, as referred to in the present concluding observations. Among other measures, the Committee commends the State party on the following:

(a) The amendments made by the State party to its Labour Code in 2020, which introduced provisions on paternity leave, strengthened safeguards protecting working single parents and lifted the ban on overtime work and business trips for mothers raising children under 3 years of age;

(b) The ratification of the Convention on the Rights of Persons with Disabilities, in 2016.

* Adopted by the Committee at its seventy-first session (14 February–4 March 2022).

¹ [E/C.12/BLR/7](#).

² See [E/C.12/2022/SR.3](#), [E/C.12/2022/SR.5](#) and [E/C.12/2022/SR.7](#)

³ [E/C.12/BLR/QPR/7](#).



C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. While noting the information provided by the State party that the basic provisions of the Covenant have been incorporated into its national legislation and that the Covenant was invoked a number of times in the past three years, the Committee is concerned that more vigorous measures are needed to effectively implement key provisions of the Covenant in practice (art. 2 (1)).

6. **The Committee recommends that the State party strengthen its measures to ensure that all Covenant rights are given full effect in its domestic legal order. The Committee also recommends that the State party raise awareness of economic, social and cultural rights, as contained in the Covenant, and their justiciability, in particular among the judiciary, lawyers, law enforcement officials and other actors responsible for the implementation of the Covenant, as well as among rights holders.**

National human rights institution

7. While noting plans in the State party for a referendum on constitutional changes that would facilitate the appointment of a commissioner for human rights, the Committee regrets the lack of concrete results with respect to the establishment of an independent national human rights institution despite years of consideration by the State party (art. 2).

8. **The Committee recommends that the State party intensify its efforts to establish a national human rights institution with a comprehensive human rights mandate, including on economic, social and cultural rights, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to provide it with adequate financial and human resources.**

Non-discrimination

9. While noting that there are several sector-specific pieces of legislation in the State party that prohibit discrimination, the Committee is concerned that the sectoral approach of the State party does not provide full protection against discrimination on all the grounds prohibited by the Covenant. The Committee notes reports of discrimination against groups in socially vulnerable situations, in particular women; lesbian, gay, bisexual, transgender and intersex persons; persons with disabilities; persons living with HIV; and linguistic and religious minorities. The Committee is also concerned about the lack of effective remedies for victims of discrimination (art. 2).

10. **The Committee recommends that the State party:**

(a) **Ensure that its laws effectively prohibit, and provide appropriate sanctions for, direct and indirect discrimination in all fields of economic, social and cultural rights;**

(b) **Develop, in close consultation with civil society organizations, and adopt a comprehensive anti-discrimination law that addresses discrimination, including in the private sphere, defines and prohibits direct and indirect discrimination, and provides for effective remedies, including psychological support, in cases of discrimination for all victims;**

(c) **Improve its data-collection system to collect data on discrimination on the basis of prohibited grounds, allowing for development of targeted policies and programmes;**

(d) **Take into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Restrictions on civil society

11. The Committee is concerned about laws and policies in the State party that have resulted, since the August 2020 presidential elections, in the closure of hundreds of civil

society organizations, many of which worked in areas related to economic, social and cultural rights.

12. **The Committee recommends that the State party review and amend its laws and policies to ensure that all civil society organizations working in the area of economic, social and cultural rights can operate in an environment in which they are enabled to freely carry out their activities without undue restrictions. In this regard, the Committee refers the State party to its statement on human rights defenders and economic, social and cultural rights of 2016.**⁴

Equality between men and women

13. While noting a number of initiatives by the State party to address entrenched gender stereotypes regarding the role of men and women in family and society, the Committee is concerned that these measures are insufficient to bring about effective change and that such stereotypes continue to be widespread. The Committee is also concerned that a high percentage of women face discrimination in the labour market, especially in rural areas and in particular young women and mothers with young children. The Committee further notes that the proportion of men who choose parental leave is extremely low. The Committee is also concerned about the persistence of a gender pay gap (art. 3).

14. **The Committee recommends that the State party:**

(a) **Intensify its activities to counter discriminatory stereotypes and patriarchal attitudes regarding the roles and responsibilities of women and men in society and at work, including by conducting campaigns and other awareness-raising activities to counter stereotypes, including in schools and for the population in general;**

(b) **Conduct time-use surveys for men and women to determine the actual distribution of childcare and housework, and take specific measures to reduce the “double burden” of women;**

(c) **Take measures to encourage men to participate in the sharing of family responsibilities, including by making use of parental leave;**

(d) **Take measures to prevent and counter de facto discrimination against women in employment and ensure that women have equal opportunities with men in sectors that traditionally offer higher wages and are predominantly occupied by men.**

Disaggregated data on unemployment

15. The Committee regrets the lack of disaggregated data on the de facto unemployment rate in the State party, which impedes analysis and targeted support of groups that are disadvantaged and marginalized in the labour market (art. 6).

16. **The Committee recommends that the State party collect data on the de facto unemployment rate disaggregated by sex, disability, health, ethnic, socioeconomic and other relevant status and ensure that its measures to address unemployment are developed to target the groups most affected by it. The Committee requests that the State party provide these statistics, and information on any measures taken based on them, in its next periodic report.**

Non-voluntary labour

17. The Committee is concerned that despite the legal prohibition of forced labour in the State party, several forms of non-voluntary labour continue to be used, notably in labour treatment facilities and for unemployed or underemployed parents whose children are under State care. The Committee is also concerned about reports that many individuals in the State party are compelled to participate in collective communal work that is supposedly voluntary (art. 6).

⁴ [E/C.12/2016/2](#).

18. **The Committee urges the State party to abolish, forbid and counter all forced and non-voluntary labour, including for persons in labour treatment facilities, and ensure that the right to freely chosen or accepted work and to just and favourable conditions of work are fully respected in law and in practice. The Committee also recommends that the State party ensure that any collective communal work is truly voluntary in nature. The Committee refers the State party to its general comment No. 18 (2005) on the right to work.**

Discrimination against women in the labour market

19. While noting the State party's plan to reduce the number of professions prohibited for women, which currently stands at 181 occupations, the Committee is concerned about the State party's intention to maintain prohibitions for women in 90 of them (art. 6).

20. **The Committee recommends that the State party ensure that women can fully exercise their right to work and eliminate all legal prohibitions so that women can make free choices regarding their occupation. The Committee also recommends that the State party ensure that necessary measures are introduced for the protection of maternity in the workplace.**

Employment of persons with disabilities

21. While noting a number of measures taken by the State party to increase employment of persons with disabilities and a significant increase in funding for this purpose, the Committee continues to be concerned about the low employment rate among persons with disabilities. The Committee is also concerned about the lack of inclusive and accessible working environments for persons with disabilities (art. 6).

22. **The Committee recommends that the State party take further steps to reduce unemployment and enhance access to employment for persons with disabilities, including by introducing effective incentives to promote employment of persons with disabilities and by amending domestic labour legislation to include the obligation for employers to provide reasonable accommodation in the workplace when required.**

Unfair dismissals from work

23. The Committee is concerned about reports of violations of the right to work in State-owned and private enterprises, including through unfair dismissals, in fields such as health care, education and culture, to penalize persons who participated in peaceful protests and other activities to express opinions, including political opinions, that are disagreeable to the Government. While noting the view of the State party that lawyers can carry out their functions unhindered and in full independence in the State party, the Committee is concerned about reports of the harassment of lawyers and other undue interference in connection with their professional activities (art. 7).

24. **The Committee urges the State party to prevent any violations of the right to work or other economic, social and cultural rights, refrain from instigating any such violations, and ensure that its labour code provides for effective protection against unfair dismissals. The Committee also requests that the State party investigate any allegations of violations of the right to work, including unfair dismissals, and that it appropriately punish the perpetrators and compensate the victims. In addition, the Committee recommends that the State party review its regulations and practices to ensure that persons working in the legal profession can enjoy just and favourable conditions of work without undue interference or retaliation in connection with their professional activity.**

Conditions of work in the context of the coronavirus disease (COVID-19) pandemic

25. While noting the information provided by the State party that it has sufficient personal protective equipment available to meet the needs of its health-care personnel, the Committee is concerned about reports that authorities have not put in place the necessary measures to protect all workers in the State party from the coronavirus disease (COVID-19) in the workplace (art. 7).

26. **The Committee recommends that the State party ensure that appropriate regulations and policies are in place to protect the health of all persons in the State party in the workplace, and to ensure just and favourable conditions of work, in the context of the COVID-19 pandemic. The Committee refers the State party to its statement issued in April 2020 on the COVID-19 pandemic and economic, social and cultural rights.⁵**

Trade union rights

27. The Committee is concerned about reports that, owing to suppressive policies towards independent trade unions, including of independent union members, obstacles to registering independent trade unions and excessive limitations on the right to strike, workers cannot effectively defend their rights (art. 8).

28. **The Committee recommends that the State party ensure that workers can join trade unions of their choice, including trade unions independent of the Government, and enjoy their union rights without facing dismissals because of their union activities or other undue restrictions or interference. The Committee also recommends that the right to form trade unions not be obstructed by unreasonable and unnecessary criteria. The Committee further recommends that the State party ensure that independent trade unions can function freely and without harassment and undue restrictions.**

Social security in the context of the COVID-19 pandemic

29. The Committee is concerned about reports that the social security measures in the State party were insufficient in the context of the COVID-19 pandemic regarding paid leave or sick leave for parents with school-age children and for people who are quarantined (arts. 9 and 11).

30. **The Committee recommends that the State party ensure that appropriate legal frameworks and policies are in place to ensure adequate social security for all persons in the State party, including those unable to work due to the COVID-19 pandemic.**

Protection of families and children

31. While noting the efforts of the State party to fight violence against children, the Committee is concerned about reports that the majority of parents in the State party use physical or psychological violence when raising children and that not all forms of corporal punishment are banned at home or at school and other institutions. The Committee also continues to be concerned about the persistence of domestic violence in the State party (art. 10).

32. **The Committee recommends that the State party:**

(a) **Enact and effectively enforce legislation prohibiting corporal punishment in all settings and conduct further awareness-raising activities for parents, teachers and professionals working with children on positive, non-violent forms of child-rearing discipline;**

(b) **Strengthen its efforts to prevent and combat all forms of domestic violence, including marital rape, and that it promptly and thoroughly investigate all cases of violence against women, prosecute and punish perpetrators with appropriate sanctions and provide reparation to victims.**

Poverty

33. The Committee is concerned that over five per cent of the population continue to live below the national poverty line (art. 11).

34. **The Committee recommends that the State party continue to develop and implement a national poverty reduction strategy that includes measures to provide**

⁵ E/C.12/2020/1.

stable and targeted support to persons in vulnerable situations, in particular those living below the national poverty line.

Right to adequate housing

35. While noting the information provided by the State party indicating that shelters for the homeless have sufficient capacity, the Committee is concerned about the lack of a policy in the State party to prevent homelessness, the lack of reliable statistics on the scale of homelessness, and reports of stigmatization of the homeless in society in general and by State authorities in particular (art. 11).

36. The Committee recommends that the State party collect data that enable it to get a clear picture of homelessness in its territory, devise a comprehensive policy to prevent and reduce homelessness and take measures to combat discrimination, stigmatization and negative stereotyping of homeless people.

Drug use

37. While noting the efforts of the State party to implement preventive programmes recommended by the World Health Organization to support persons who use drugs, the Committee is concerned by the long prison sentences faced by some drug users, including owing to the insufficient distinction in criminal law between acts related to drug use and acts related to commercial drug sales (art. 12).

38. The Committee recommends that the State party develop an effective mechanism to prevent persons being criminalized for personal drug use. The Committee also encourages the State party to consider decriminalizing the possession of drugs for personal consumption and to expand harm reduction programmes, such as opioid substitution therapy, including in custody, pretrial detention and prisons.

Persons living with HIV/AIDS

39. While noting a number of positive measures taken by the State party to combat the spread of HIV, the Committee is concerned that some of the State party's policies, such as criminalization of HIV transmission and the obligation for medical professionals to report persons infected, deter persons living with HIV/AIDS from seeking treatment (arts. 2 and 12).

40. The Committee recommends that the State party, in line with its international human rights obligations, repeal or amend laws and policies that require medical professionals to inform authorities when they suspect that HIV exposure has taken place and that it guarantee informed consent and medical confidentiality with respect to the HIV status of individuals. The Committee also recommends that the State party repeal laws that criminalize HIV transmission and that it increase the coverage of key groups at a high risk of HIV infection by expanding preventive measures.

Right to education

41. While noting the assessment of the State party that general education at all levels is provided for free and in an equal manner to all, the Committee is nevertheless concerned about:

- (a) The particular difficulties faced by children in rural areas in accessing education as well as by the low educational achievement of such children;
- (b) The low rates of enrolment of Roma students at all levels of education, including tertiary, as well as by the persisting discrimination against Roma students in the educational environment;
- (c) The difficulties faced by pregnant adolescents in continuing their education;
- (d) The numerous expulsions of students from educational institutions because of their political opinions;

(e) The difficulties in the continuation of school education for children in correctional centres;

(f) The measures to ensure equal access to education, including remote schooling, and to protect students in the context of the COVID-19 pandemic, as they are not sufficiently tailored to the needs of students in socially vulnerable situations, including students with disabilities.

42. **The Committee recommends that the State party:**

(a) **Take measures to identify the special vulnerabilities of children belonging to socioeconomically disadvantaged groups, including those in rural areas, who, in practice, do not have equal opportunities in accessing education, and that it design tailored measures to ensure adequate support for them to access and to continue their education;**

(b) **Adopt tailored measures to increase the enrolment rates of Roma students at all levels of education, including tertiary, and also adopt measures to enable Roma students to remain in the educational system and develop mechanisms that allow for the detection of discrimination against Roma students; and provide, in the next periodic report, disaggregated data on the situation of Roma students, by age group, at all levels of education;**

(c) **Develop tailored measures to ensure that pregnant adolescents can continue their education;**

(d) **Ensure that no students are unjustly expelled, including on the basis of their political opinions, and ensure the right to legal and other redress in case of unjust expulsion;**

(e) **Ensure that children in correctional facilities are able to continue their education in practice and all their rights are ensured in line with the Convention on the Rights of the Child;**

(f) **Evaluate the negative impacts that restrictions related to COVID-19 currently have, and have previously had, on students belonging to groups in vulnerable situations, and develop measures to mitigate and counteract such negative impacts; and ensure that measures are taken to enable children without Internet access to participate in remote schooling when required.**

Inclusive education for students with disability

43. While welcoming the adoption by the State party of its new Education Code, which has a focus on inclusive education, and while noting the information provided by the State party that the majority of students with disabilities are educated in an inclusive fashion in mainstream education, the Committee is concerned about the insufficient number of teachers and other educational specialists trained in inclusive education methodologies and about a lack of reasonable accommodation for students with disabilities in schools (art. 13).

44. **The Committee recommends that the State party take measures to further expand the availability of inclusive education at all levels of education. The Committee also recommends that the State party ensure that students with disabilities are provided with reasonable accommodation in educational institutions at all levels of education and that teachers and other educational specialists are trained in inclusive education methodologies.**

Linguistic and cultural rights

45. The Committee is concerned about reports of the closure by State authorities of cultural organizations and increased repression against cultural figures for expressing political views. While noting that members of national minorities in the State party can request to be taught in their mother tongue at school and that some such opportunities are available, the Committee is concerned that the availability of such options is insufficient, including in the Polish language (art. 15).

46. The Committee urges the State party to respect the freedom indispensable for creative activity and to ensure the full and unrestricted exercise of the right of everyone to promote, preserve and fully participate in cultural life. The Committee also recommends that the State party evaluate the demand for teaching in national minority languages in the State party and ensure sufficient availability of such education, including in the Polish language.

D. Other recommendations

47. The Committee encourages the State party to ratify or accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

48. The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

49. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.⁶

50. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and provincial levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

51. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 8 (national human rights institution), 12 (restrictions on civil society) and 26 (conditions of work in the context of the COVID-19 pandemic) above.

52. The Committee requests the State party to submit its eighth periodic report in accordance with article 16 of the Covenant by 31 March 2027, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

⁶ E/C.12/2019/1.