

Shadow Report

The Republic of Belarus – 2010

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

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Introduction

Last time the Belarusian government reported to the UN on implementation of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in January 2004 at the 30th Session of the CEDAW Committee. The Belarusian government submitted its official report to the CEDAW Committee, comprising the fourth, fifth and sixth periodical reports and covering the period from 1994 to 2001. The Shadow Report, prepared by two Belarusian NGOs – Public Association “Women’s Independent Democratic Movement” (PA “WIDM”) and Public Association “Belarusian Young Women’s Christian Association” (PA “BYWCA”) – was also presented to the CEDAW Committee.

In its concluding Recommendations, the CEDAW Committee urged the Belarusian government to place high priority on implementation of comprehensive measures to address discrimination against women and bring its laws and practices into compliance with the CEDAW provisions, including ensuring the whole range of civil, cultural, economic, political, and social rights of women guaranteed by the Convention.

In 2004, PA “WIDM” disseminated CEDAW Recommendations among a broad women’s community and further conducted monitoring of gender policy and implementation by the Belarusian government of its international agreements. Serious problems in implementation of the Recommendations were revealed in the course of this activity. To date, Belarus has not enacted the Recommendations.

Governments that have ratified the CEDAW Convention are obliged to submit reports to the CEDAW Committee on implementation of the Convention every four years. In 2008, Belarus had to submit its successive seventh periodic report on implementation of the Convention’s provisions over the period from 2002 to 2007. At the beginning of 2008, the Ministry of Labour and Social Security of the Republic of Belarus started its work on the preparation of the seventh periodic report; the draft was submitted to a number of ministries and agencies for endorsement in June 2008. The draft was also sent to three NGOs, including PA “WIDM”.

PA “Women’s Independent Democratic Movement”, having considered the draft, worked out a number of essential remarks and propositions on main sections of the report, which were further confirmed by the association when the improved report was presented in 2009. In opinion of PA “WIDM”, the work on report preparation was carried out by the experts; the report was compiled in accordance with the principles of the CEDAW Committee. However, the Official Report does not reveal in full the situation with implementation of the CEDAW Convention and the CEDAW Committee’s Recommendations during the past period.

PA “WIDM”, together with a coalition of women’s NGOs, decided to prepare a Shadow Report. PA “WIDM” that sequentially supported implementation of the systemic gender policy in Belarus, assumed the role of the coordinator of this activity. PA “WIDM” took part in the formation of two National Plans of Action for gender equality and lobbied for creation of the National Council on Gender Policy. PA “WIDM” constantly monitors activities of the government on implementation of national programmes and international obligations of Belarus adopted in women’s interests.

In June 2009, a meeting for representatives of women’s organizations from Minsk and various regions of Belarus was organized by PA “WIDM” in Minsk. Participants of the meeting could get acquainted with the Official Report on implementation of the Convention prepared by the Ministry of Labour and Social Security and discuss it. They also defined main thematic areas for the Shadow Report and methods of its preparation. It was decided to conduct a representative survey and maintain expert focus-groups in association with a professional sociological research firm – the “NOVAK” Laboratory. During the meeting an analytical group for further report preparation was formed; leaders

and activists of women's organizations were interviewed as experts on a range of problems defined in the CEDAW Committee's Recommendations.

Additional statistical and analytical information on women's condition in Belarus was gathered during the period from June to October 2009. The "NOVAK" Laboratory conducted the survey "Women's Condition in Labour Market and Women's Health Problems" that included public opinion polls of adult population of the country through a nation-wide representative selection, and conduction of four focus-groups with experts in the spheres of employment and healthcare. Eight questions related to the topic of the research were included into a monthly public opinion poll, conducted by the "NOVAK" Laboratory. The survey was carried out during the period from 1st to 10th June 2009 with the sampling of 1109 respondents. Answers to the eight questions deliberately added to the list, as well as answers to other questions of the questionnaire (on economic well-being, social and demographic status, person's trust in social institutions, assessment of social and economic crisis and behaviour strategies during the crisis) were used for the analysis of women's condition. Four focus-groups with experts in the spheres of employment and healthcare were conducted in July-August 2009 in populated areas of various types: the capital of the Republic (Minsk), a regional center (Gomel), a small town (Orsha), a rural settlement (village 'Ostrov', Brest region). The materials of the sociological research were processed by specialists and supplemented with statistical data.

Round table "CEDAW in Belarus: Obligations and Implementation" was held on October 31, 2009 in Minsk at the initiative of PA "WIDM". Results of the independent sociological research, materials for the Shadow Report and Recommendations to the Belarusian government were discussed during the round table.

Materials of the report "Domestic Violence: More than a private scandal" prepared by Amnesty International in Belarus were used during the work on the Shadow Report. Information for this report was gathered in 2006 by Amnesty International representatives through interviews with victims, lawyer, representatives of women's NGOs, social workers, psychologists, employees of the Ministry of Labour and Social Security, and policemen, and also through correspondence with the Ministry of Internal Affairs of Belarus. Amnesty International representatives conducted a fact-finding visit to Belarus, during which they visited state institutions and NGOs in Minsk, Gomel, Orsha, Borisov, and Mozyr. In order to cover the topic of domestic violence, data of the survey of women's NGOs leaders (June 2009) and materials of the National Conference on Issues of Family Violence (organized by PA "Radislava" on June 1, 2009 in Minsk with the assistance of the Christian Children's Fund in Belarus) were also used.

The Shadow Report includes only those issues in which the authors have vast experience and of which they have thorough knowledge and understanding. Therefore, the report does not attempt to cover all the problems of discrimination against women in Belarus.

I. Political and socio-economic context

I. Political context

There were no considerable changes in the structure of political power during the reporting period in Belarus. Only a few top executive officials are still able to influence the decision-making process. Political decision-making is a prerogative of the President and his Administration. President Alexander Lukashenko has been in power since 1994 and has preserved state control over economy and society. The President's Administration turns into the shadow government that is used by the President to rule over the country. The Administration prepares regulatory and normative acts that are further submitted to the President for a signature (legal effect of these acts is higher than the force of laws), and is responsible for development of key governmental programmes. Existing legislative base

allows the President to make political, legal, and economic decisions without endorsement and approval of other branches of power. The nominal government – the Council of Ministers – appears to be just a technical body, which carries out current management of the country's economy. The President controls legislative power. It is not an independent political entity and is formed with the President's approval.

A. Lukashenko's policy has not changed much over the past years, it has not been progressing within any of the five key areas: electoral legislation, freedom of media, freedom of association, condition of the civil society, freedom of assembly. It was only in 2008, due to tension from the side of the USA and the European Union, that certain moderate surrenders towards political opposition and civil society were made, which allowed them to act for a while without a threat of persecution. In general, repressive measures have not been taken away from the practices and authorities continue to implement them selectively. Until present, legislation has not been changed in a way to mean substantial improvements into the governmental policy and for the benefit of a democratic society.

Economic context

Within the past years, certain steps were made in Belarus on the way of liberalization of economy and improvement of business conditions. Positive changes have taken place on registration and opening up of a business, procedures for receiving loans have been lessened, taxation duties have been shortened, several tax duties were taken away which in a way simplified taxation system for small businesses.

However, independent experts tend to consider a position that despite it has become easier to register a business enterprise, key components – main components of the business climate for active companies in Belarus – have not been progressed upon.

Belarus still occupies the last place in the world on the quality of taxation system. Conditions for receiving loans have worsened; they still are expensive and inaccessible for most of the private entrepreneurs. In order to really liberalize economy, structural economic reforms should be conducted.

Non-Governmental Organizations

Starting from 2004, despite certain positive improvements in Belarusian legislation on non-profit organizations, there has been no substantial changes on the issue of freedom of association in Belarus. State policy was oriented towards restriction of legal opportunities of the work of NGOs.

Mass legislative changes that govern the sphere of non-profit organizations occurred in 2005. Acts of legislation adopted during that period concerned the registration process and activity of non-profit organizations, in particular, the issues of money receipt. Thus, in connection with adoption of the amended Law of the Republic of Belarus "On Public Associations", most changes occurred in the area of control over NGOs activities, including placement of a requirement for compulsory annual reporting to the registering bodies. Apart from that, a new type of penalty was introduced – pending of public associations' activities, bases for liquidation of NGOs were extended. A prohibition of NGO entrepreneurship was also brought in. However, the most serious toughening of legislation in the NGO sphere was in supplementation of the Criminal Code with norms that place criminal liability for organization or participation in activities of unregistered political parties, public associations, religious organizations or foundations. According to Article 193.1, such activities are punishable with a fee or arrest of up to six months, or imprisonment of up to two years.

Beneficiary rent conditions of state-owned premises for all types of public associations were abolished in 2007, current legislation provides for individual allocation of rent benefits for NGOs.

Registration of public associations is conducted upon a licensing principle, requiring collection of many documents and taking the time period exceeding a month. Grounds for denial of registration formulated by legislation leave a possibility for arbitrary renunciations. Decisions of the law enforcement agencies on denial of registration may be appealed against in the court, but starting from

2000 courts have not granted appeals of the kind. Belarusian authorities do not implement decisions of the UN Human Rights Committee, according to which denial of registration and liquidation of Belarusian public associations are acknowledged as violations of Article 22 of the International Covenant on Civil and Political Rights.

The number of public associations has practically not changed over the period from 2004 to 2009: 2214 organizations were registered in Belarus as of January 1, 2004 (among those there were 38 women's organizations); to the data of July 1, 2009 provides that there are 2216 public associations (32 of which are women's organizations).

Thus, Belarusian state policy in 2005 – 2009 in the area of legal governance of public associations is not stable. Together with attempts to create a vision of liberalization of conditions for NGOs, there is a clear tendency of worsening of these conditions.

Difficulties in the process of creation and registration of public associations, actual restraint for legal acquisition of foreign finances for the work of most NGOs, when perceived with eradication of possibilities to receive inside financial resources have forced Belarusian NGOs out of the legal framework and lead to deformation of the sector. As a result of such policy, democratic NGOs, including women's NGOs, are excluded from public decision-making processes and are deprived of the opportunity to implement their basic function – representing the interests of citizens in relations with the state, which, in turn, degrades the potential of civil society, impedes efficient problem-solving that NGOs of Belarus are facing nowadays.

II. State of Gender Policy: Article 4

Gender equality is one of indicators of society's democratization level and its level of civilization. Gender equality should be achieved within the context of government policy and all decision-making officials should know how dimension of gender equality should be integrated on all policy levels.

Strong national mechanisms, such as the National Plan of Action, the National Council on Gender Policy, committees in structures of executive power and special commissions in legislative organs, are necessary for successful realization of gender policy. Achievement of gender equality is impossible without allocation of serious material and financial funds, without special programmes and qualified specialists, without gender analysis of decisions made and gender constituent of the national and regional budgets.

The Republic of Belarus signed and ratified a number of fundamental United Nations documents aimed at achieving of gender equality, which is evidence of the country's political will. International obligations of Belarus assume that the government should define gender equality as one of its main priorities and form national gender policy.

Two National Plans of Action for the period 1996-2000 and 2001-2005 aimed at achieving gender equality were implemented in Belarus after the Beijing Conference. The monitoring of implementation of the National Plan for the period 2001-2005 was carried out at the initiative of Public Association "Women's Independent Democratic Movement". Experts, representatives of women's NGOs and governmental structures were involved in this activity. The monitoring has shown that goals assigned in the National Plan for the period 2001-2005 remained unachieved. Experts noted lack of target financing and low priority of the National Plan to governmental institutions, absence of efficient mechanisms and indicators of its implementation, and existence of paternalistic approach embraced into the Plan's concept. The monitoring revealed lack of publicity on questions of implementation of annual reports and working plans. Governmental structures' work on realization of provisions of the sections "Women and Human Rights," "Development of Institutional Machinery for the Advancement of Women," "Women and the Economy," and "Women and

Violence,” was of a formal character and had no serious influence on both women’s status and achievement of gender equality in Belarus. At the legislative level, the problem of violence against women remained unsolved: the Law “On Elimination of Domestic Violence” is not adopted, legal acts concerning sexual harassment, reimbursement of a victim – moral and financial, solution to housing problem are inadequate. The draft of the Law on Gender Equality is not submitted for consideration to the Parliament of the Republic of Belarus. Experts mentioned existence and aggravation of women’s problems in the labour market such as feminization of unpromising, second-rate, and underpaid spheres of activity, exclusion of women from managerial positions, worsening of women’s working conditions. The monitoring has shown that norms of Belarusian legislation are gender neutral, they lack discriminatory provisions against women and their labour rights. However, guarantees vested in legislative acts are not realized in full. In practice, there is a great difference between legal and actual equality, between equality of rights and opportunities. Practice of application of gender-neutral law revealed that it does not prove to be an effective instrument of protection of human rights and that it does not provide women with equal opportunities automatically. The existing system of measures to ensure and protect women’s rights does not correspond with present economic reality, it lacks gender examination of the labour market.

Having considered results of the monitoring, public associations worked out concrete recommendations and suggestions for a new National Plan of Action that were sent to the Ministry of Labour and Social Security in November 2005. However, the draft of the new National Plan of Action has not been adopted during the next several years. The government policy on gender equality was at a standstill during the period from the end of 2005 to the end of 2008: the National Council on Gender Policy was inactive, the National Plan of Action for gender equality was not adopted. Women’s community set itself a task to push the government towards implementation of international norms and standards related to women and resumption of systemic gender policy. At the end of 2006, PA “WIDM” initiated an advocacy campaign on adoption of a new National Plan of Action as the main national integral mechanism for achievement of gender equality. The campaign had lasted for 2 years, but only under severe public pressure in September 2008, the government finally adopted the new National Plan of Action. However, the Plan is adopted only for 2 years (2008-2010) and, as the previous one, it lacks official support of the national budget and is of a formal character. At the level of the government, there is no clear understanding that gender equality has political, economic, and social basis, and that its achievement requires adequate resources.

Belarus still lacks efficient legislative and institutional mechanisms, aimed at establishing gender equality and protecting women’s rights. These mechanisms are the weakest elements in the structure of gender policy. The National Council has been functioning extremely irregularly since it was created, especially during the reporting period – from the end of 2004 to January 2009, when it was absolutely inactive. Reasons for this inactivity are low priority of gender policy to governmental institutions along with constant reshuffle of senior officials in state administration bodies.

During the reporting period there have been created neither special groups on gender issues under legislative and executive bodies, nor special commissions and departments, properly supported with required instruments, human and financial resources for having adequate influence at all levels of decision-making process so that they could raise a question about structural essence of gender inequality. Coordination Councils on Problems of Women, Family, and Children, created under executive bodies in some Belarusian regions, function formally rather than virtually.

It is impossible to achieve gender equality without regular research and educational work. Decision-makers should know about gender issues. This information can only be obtained from statistics disaggregated by gender and detailed knowledge of relations between both sexes. However, independent monitoring has detected absence of systematic work on gender awareness-raising, lack of statistics disaggregated by gender in social and economic areas, infrequency and insufficiency of

government employees' training, absence of advanced training system of representatives of local executive and regulatory bodies. Problems and priorities in the sphere of education, defined in the previous National Plan of Action, were not implemented in full and thus remained acute for a new period of the national gender policy.

Women's organizations played an important role in advancement and realization of the gender equality policy in Belarus. They actively participated in implementation of different sections of The National Plan for the period 2001-2005. Women's NGOs activity included researches and monitoring of the problems of women's social group, various educational programmes and counselling services for women in crisis situation. However, the reporting period is characterised by the decrease of public influence on the processes of development and decision-making. Prosecution of a number of NGOs, including women's NGOs, absence of publicity and civic dialogue adversely affected solution of the problems of women's social group and discriminatory status of women in the labour market.

The toughest problems of Belarusian women are:

- Poverty and discrimination in the labour market.
- Worsening of women's health, including reproductive health.
- Retention of gender stereotypes in public conscience.
- Serious challenges towards women's participation in activities of NGOs and political parties.
- Violence against women.

The Recommendations to the Government:

- Develop and adopt the Law on Gender Equality, equal opportunities for both men and women that would contain definition of direct and indirect discrimination, basis for application of interim measures, and mechanisms of protection of women's rights in economic, public, and private life;
- Organize and carry out on regular basis gender examination of legislative and statutory acts, ensure control on implementation of legislative acts aimed at achieving gender equality;
- Provide adequate financing of the National Plan of Action for gender equality from the State budget; contribute to mobilization of internal and external investments;
- Work out indicators for monitoring and estimation of the efficiency of measures of the National Plan of Action; provide an independent examination of the National Plan of Action and its implementation; ensure publicity during realization of the National Plan of Action, and publicity to reports on implementation of annual working plans, and other information;
- Ensure women's right to association, participation in public and political life of the country; create favourable conditions for development of women's organizations; carry out effective cooperation with women's public associations and civil society during implementation of gender policy.

III. Women's Participation in the Decision-Making Process and in the Public Life: Article 7

There were no considerable changes in the structure of political power during the reporting period in Belarus. Only a few top executive officials are still able to influence the decision-making process. Political decision-making is a prerogative of the President and his Administration. President Alexander Lukashenko has been in power since 1994 and has preserved state control over economy and society. The President's Administration turns into the shadow government that is used by the President to rule over the country. The Administration prepares regulatory and normative acts that are further submitted to the President for a signature (legal effect of these acts is higher than the force of laws), and is responsible for development of key governmental programmes. Existing legislative base allows the President to make political, legal, and economic decisions without endorsement and approval of other branches of power. The nominal government – the Council of Ministers – appears to be just a technical body, which carries out current management of the country's economy. The

President controls legislative power. It is not an independent political entity and is formed with the President's approval.

Despite the high level of education and professional qualifications of women, their status in Belarus is inadequate to their leading role in the society. Belarusian women are widely represented only on the middle level of the job hierarchy. They are commonly promoted to such positions as senior specialists, counsels, heads of departments and bureaus. However, they are underrepresented on top levels of power and job hierarchy and in many sectors of the economy. There is only one woman in the Council of Ministers – the Minister of Taxation. Eleven other women occupy positions of Deputy Minister. Despite a significant increase of diplomatic representation of the Republic of Belarus abroad, only four women represent Belarus on international scene as Ambassadors.

At the suggestion of the President, women's representation in legislative bodies was increased up to 30 per cent and fixed in the results of the last two Parliamentary election campaigns. Parliamentary elections of 2004 and 2008 in Belarus were held under fierce pressure and total State control and were neither democratic nor independent. Elections were not recognized by the Organization for Security and Cooperation in Europe (OSCE) and international community. And in spite of the fact that many independent women-candidates successfully campaigned, only those who had got administrative resources and support of the authorities, became elected to the House of Representatives.

In 2004, PA "WIDM" trained a group of democratic women-candidates for the participation in the elections and supported them during the election campaign. The monitoring of the elections to the Parliament showed that all independent women-candidates and candidates from political parties' were initially put into unequal conditions for competition. Representatives of local authorities used all their recourses for the direct counteraction to democratic candidates. Members of district and divisional electoral committees were selected according to their degree of loyalty or dependence on the authorities. Government imposed threats, rigid pressure, and intimidation on democratic candidates, members of their families and teams. State enacted all the possible difficulties for democratic candidates at the stage of agitation: from denial of premises for meetings to obstacles connected with the process of printing and distribution of informational products. The majority of the candidates faced censorship on television during their election speeches. During vote counting, members of electoral committees carried out unprecedented falsifications that were reported by independent observers.

During the whole election term (2004-2008) women deputies "elected" to the House of Representatives did not show their worth in protection of women's interests, ignored cooperation and dialogue with women's NGOs. None of them responded to letters and appeals of women's NGOs concerning cruel treatment of the women that had been detained during mass demonstrations following the presidential elections in March 2006. There were no replies from the women deputies to letters of women's NGOs, which contained requests and concerns about condition of gender policy in Belarus, absence of the National Plan of Action and inactivity of the National Council on Gender Policy. This led to significant losses in social sphere of the country and failure of gender policy in Belarus. Increased level of female representation in the Parliament did not have any influence on solving problems of women's social group: Belarus still lacks the Law on Gender Equality and the Law on Prevention of Domestic Violence, and discrimination in labour market is widely spread.

In the opinion of many experts, the election campaign of 2008 was even less democratic and much more cruel in relation to opponents of the State than the campaign of 2004. Elections were held under circumstances of fraud and numerous law violations on the part of the government. As a result of the elections to the House of Representatives of the National Assembly, none of independent candidates or representatives of democratic parties were elected.

Traditionally there is high overall percentage of women deputies represented in local councils in Belarus. 10348 women (45,7 per cent of the overall number of the deputy corps) were elected to local councils of all levels in 2007. However, most of them occupy positions at the lowest levels of local councils with lack of financial and technical resources and adequate power to solve problems.

There are many active women in Belarus, which entered politics not through an administrative career or under the patronage of someone, but through their own public actions, i.e. participation in mass events, election campaigns, activities of political parties and NGOs. However, in recent years there's been revealed a tendency towards decrease in number of women in political parties because of mass persecution and pressure on the part of the State. In October 2007, the Supreme Court of the Republic of Belarus sustained a claim of the Ministry of Justice for the liquidation of the Belarusian Women's Political Party "Nadzeya"¹. The party was established in 1994. At that time it was the only women's political organization in Belarus. The main aim of the party was protection of labour, social, and political rights of women and improvement of women's self-consciousness and civic engagement. The formal ground for the liquidation of "Nadzeya" was lack of registration and legal address of some of the party's regional structures. But actual reason of the closure was that "Nadzeya" participated in activities of the Belarusian democratic coalition and closely cooperated with independent trade unions. The appeal process, concerning illegitimacy of the Supreme Court's decision on liquidation of "Nadzeya" is currently in progress. This decision infringes upon party members' legal interests and rights to freedom of association.

Women's NGOs contributed a lot to protection of women's rights and advancement of gender equality in Belarus. Their activities include researches and monitoring of problems of women's social group, various educational programmes and counselling services to women. Women's NGOs actively influence on formation of national gender policy, lobby for the Law on Prevention of Domestic Violence and the Law on Gender Equality and carry out broad public awareness-raising campaigns against gender violence and trafficking in persons for sexual exploitation. Outreach and educational activity of women's NGOs brought definite effects that resulted in activation of women's participation in public and political life. Independent women's organizations not only brought problems of women to the level of social visibility, but also helped many women to venture upon action, to realize the fact that they can change something themselves. A number of women's NGOs entered into active cooperation with the democratic powers of the country realizing that a key condition for changes in position of women is development of democratic processes and implementation of human rights. The Belarusian women's movement is not uniform and monolithic. Women's organizations have different views on women's movement, on the place of a woman in society, and also are of various political orientation. The most progressive part of women's organizations carries out its activity in the context of modern definition of women's rights, "women's agenda" and gender equality. Most of women's organizations see their activity in the course of protective, paternalistic ideology striving for benefits and various aid to women on the part of the State. Therefore, a split of women's movement is taking place both on the level of ideology towards social strategies and in political orientation. Development of cooperation between democracy-oriented women's NGOs and women's initiative groups has taken place during recent years, this allowed creating of a broad women's network. Joint and solidary actions were carried out by the network during the Presidential election campaign in 2006 and mass protest actions. Due to the activity of women's network, a successful advocacy campaign on gender policy was implemented, that eventually led to adoption of the National Plan of Action for gender equality for the period 2008-2010.

However, during the reporting period, the number of members of women's movement has reduced, and the movement itself has encountered significant institutional development problems. In 2004, there were more than 20 republican (national-wide) women's organizations registered with the Ministry of Justice and several dozens of local women's NGOs, registered with the regional and

¹ "Nadzeya" (Hope)

district centres, at the present time (July 1, 2009), there are only 32 women's organizations of various territorial levels in Belarus. Less than 1.5 per cent of all NGOs in the Belarusian third sector are women's NGOs.

The major problem is the relationship with the State that is totally indifferent to civil society development, but controls and interferes in the activities of non-governmental organizations. Recently, new legislative basis was created in relation to NGOs. This legislation extremely limits and complicates realization of almost any activity of public associations. The State is involved into political manipulations and interference in the activities of NGOs. Every step and every action of an NGO needs to be approved by the government. Governmental bodies, from the Ministry of Justice to tax authorities, are entitled to control and inspect NGO's activity, often without a notice. KGB interrogations, constant upward of rental payments, breaches of leasing contract are widely used by the government in order to hamper the work of NGOs, intimidate staff members and volunteers and create a pretence for introduction of sanctions aimed at liquidation or suspension of NGOs work. Belarusian NGOs are under the threat of complete exclusion from the sphere of public influence on the society, as it has already happened to the Belarusian political parties. Regular re-registration procedures and ongoing inspections of women's NGOs demand a lot of time and financial resources, and sometimes become an insurmountable obstacle to the survival and development of some women's NGOs. Dramatic decrease of civic activity, reduction of the number of independent NGOs and even self-closure of a significant number of efficient organizations, including women's organizations, were results of this policy. Tough control and persecution on the part of the State became a serious obstacle to women's participation in activity of NGOs dealing with urgent problems of the society.

At present, Belarusian women's movement, having accumulated significant practical potential during the period of active increase over the previous years, slowed down its institutional development because nearly all its efforts are aimed at keeping of the legal status of the organization and its main body of active members and volunteers. Independent organizations thoroughly consider forms and methods of their activity under the circumstances of almost semi-legal existence and permanent persecution. The urgent task of all NGOs is consolidation of their efforts and human rights activity. Women's NGOs are sorely in need of strengthening of their potential, broadening access to resources, and gaining capacity of sustainable growth and development.

Recommendations to the Government:

- Amend the Electoral Code in such a manner that it would liberalize election process and prevent election fraud;
- Introduce a practice of open democratic competition-based selection process to administrative positions. The selection must be handled by a gender-balanced commission;
- Carry out systemic reformation of the Belarusian legislation on non-profit organizations including the following steps:

1. Abolish criminal responsibility for organization and participation in activities of unregistered public associations (exclude Article 193 and Article 193.1 from the Belarusian Criminal Code); remove the ban on the activities of unregistered public associations (exclude Part 2, Article 7 from the Belarusian Law on Public Associations);

2. Introduce a declarative registration of public associations by analogy with the one that Belarusian economic entities currently use;

3. Restore reduced rental rates for public associations, leasing state-owned and municipal premises; make it officially possible to register non-profit organizations, including public associations and their branches, at the place of their founders' (members') residence;

4. Reduce the number of founders, required for creation and functioning of public associations; abolish territorial restrictions on NGOs' activities (by making amendments to the corresponding statutory acts);
5. Abrogate both foreign gratuitous and international technical aid from compulsory registration with the government bodies; revoke a list of requirements of how gratuitous (sponsoring) foreign aid can be used;
6. Abrogate restrictions on entrepreneurial activity of public associations; introduce preferential rates of income taxation for non-profit organizations on condition that incomes, received by non-profit organizations as a result of their entrepreneurial activity, are used for socially beneficial activities;
7. Develop an open and transparent system of state financing of non-profit organizations along with the means of informing citizens about how this state financing is provided;
8. Establish clear rules of control procedures to which public associations are subjected; deprive state registration agencies of the right to control activity of public associations;
9. Shorten the list of legislated grounds for liquidation of a public association and bring it into compliance with international standards;
10. Adopt legal acts that would regulate communications and partnership between government bodies of different levels and civil society organizations. Pay special attention to representation functions and reference terms of non-profit organizations including through creation of consultative bodies with participation of NGOs' representatives under Parliamentary committees, local authorities, ministries, and the government;
11. Resume consideration, improvement and adoption of the legal acts aimed at stimulating philanthropic and charitable activities in the Republic of Belarus (it mostly concerns "The Charity Activities and Charitable Organizations Act" approved by the Parliament of the Republic of Belarus in 2002 during consultations with NGOs);
12. Implement the UN Human Rights Committee decisions; create a legal base that would regulate mechanisms of realization of decisions, taken by international organizations in regard to the Republic of Belarus.

IV. Women's Poverty and Discrimination against Women in the Labour Market: Articles 11 and 13

Independent sociological researches conducted upon a request of women's NGOs in 2006 and in the middle of 2009 confirm that poverty and problems the labour market difficulties are main problems estimated by Belarusian women. Low-income level and problems of job placement take the highest positions in both researches and are considered by the majority of women as the most critical and painful problems. The problem of low-income level is essential for both young and elderly women, both for metropolitans and suburbanites.

According to the results of the 2009 national-wide survey, only 6 per cent of women consider their economic situation as good, 56.8 per cent assess it as average and more than a third – 33.8 per cent – as bad or very bad. 48.6 per cent of respondents mentioned that during the last year their economic condition had become worse (whereas only 2.7 per cent of women stated that their situation had improved). The results of the survey revealed negative dynamics of women's economic status in comparison with 2006 and allowed to claim that situation of all categories of women became worse:

many “prosperous” women has become “average”, and “average” – “poor”. It is known that all estimates are subjective, as different people can mean absolutely different situations in connection with the notions of “bad” and “good”. Therefore descriptions of women’s financial position clears up the situation: *“We hardly make both ends meet. There is not enough money even for food”* – the situation was characterized by 10.4 per cent of women. *“We, more or less, have money for foodstuff, but purchasing of clothing (any clothing) causes financial difficulties”* – 43.0 per cent. In total, 53.4 per cent of adult women do not have enough means for purchasing clothing and even food. To compare: women, who while answering the questions mentioned: *“I can not afford quite expensive purchases, such as a flat, a dacha and many others”*, make up almost an unseen quantity – 0.1 per cent.

According to the survey, about 40 per cent of women receive social allowances (single mothers, families with many children, etc.) or old-age or disability pensions. But only one fifth of them mentioned that pensions and benefits were enough to cover their basic needs. Experts’ assessment proves the data of the national-wide survey. The majority of experts participating in the survey noted deterioration of remuneration of women’s labour, worsening of the situation with pensions and parental leave benefits. In experts’ opinion, negative dynamics in economic situation of women is caused by financial and economic crisis, reduction of production capacities, increase of unemployment and all-round conversion of enterprises and organizations to contract system, abolition of a large number of benefits that became actual decrease of vacation leaves and reduction of income for many women in need.

Women’s Condition in the Labour Market

Economic security of a family in Belarus mainly depends on the income of a woman. Personal welfare of women and welfare of their children and families are in direct relation to job placement (employment) and salaries of women. Therefore, the vast majority of working-age women are, in fact, working in Belarus; many of them are the only breadwinners in the family.

High level of education of women, which significantly exceeds educational level of men, is the main peculiarity of the Belarusian labour market. One would have expected that the advantage in education would allow women to compete with men in the labour market equally; this is not what happens in reality. On the one hand, only due to higher level of education of the Belarusian women in comparison with men, differences in remuneration of labour of men and women are relatively insignificant, according to official statistics. On the other, this factor only masks profoundness of gender problems in the Belarusian labour market and to a certain degree levels indicators of differences between sexes.

According to official statistics, women’s average salaries in Belarus are at 78.4 per cent of men’s average salaries. This gap is a consequence of discrimination and professional segregation of women. Gender differentiation of economic sectors in Belarus goes as far back as to the soviet period; it led to feminization of low-paid jobs. In general, the Belarusian legislation does not contain any discriminatory provisions against women and their labour rights; however, there is a number of objective and subjective factors that cause actual inequality in remuneration of labour of women and men. To objective factors one should relate the fact that a significant number of women is engaged in non-production-related budgetary spheres, such as healthcare, education, and social sphere, where labour payments are less than, for example, in the sphere of industry.

Low salaries force women – health workers, women-pedagogues – to take up not one wage rate, but one and a half or even two wage rates to the detriment of their health and personality development. However, when official statistics agencies calculate an average wage rate in a certain field (for example, in the field of healthcare), they take into account (add up and divide) worker’s actual income but with no account taken of how hard a worker has worked. The obtained average sum seems quite

optimistic and appears for the decision-making authorities to be an argument for keeping of wages in this field as they are. This paradox was mentioned by participants of all expert focus-groups: *“In sphere of healthcare, where workers are mostly women, women’s discrimination is obvious. Women have to take 1.5 – 2 wage rates thereby, increasing the number of working hours. Money paid for one wage rate is not enough for a living. Initially the government establishes quite a low salary rate for one wage. The Ministry of Labour that is responsible for calculation of the average income, shows such average income in the sphere as a combination of two wage rates, for the sake of statistics. Nurses, paramedical personnel and doctors have to take up to two wage rates and even more with a permission of trade unions. This is a tough issue for the medical profession: on the one hand, they ask for permission of trade unions to work for two wage rates because they cannot survive on a low salary of one wage rate. And trade unions give such a permission. But, perhaps, if trade unions did not allow to take two wage rates, and we would be working for only one wage rate, problems of wage increase would have been solved in a shorter amount of time. Even working in harmful conditions, in oncological and tuberculosis departments, nurses have to take 1.5 – 2 wage rates, thereby increasing negative health risks. Moreover, such working conditions do not allow women to have enough rest, recover their strength, and devote time to their family and children. This hidden mechanism of exploitation and discrimination is typical in all feminized fields, but in the first place in healthcare and education.”*

Another factor of discrimination mentioned by the experts is dedicated to the ratio and employee bonuses to the general salary that are defined by an employer. In many cases, actual income of the employee to a greater extent depends on bonuses and coefficients to a fixed wage. Such bonuses are determined by the employer’s discretion often out of his personal vision and gender stereotypes that *“a man is a breadwinner of a family, therefore he needs high income, and a husband must support his wife.”*

The experts of all focus-groups confirmed that there are quite many violations of the Labour Code of the Republic of Belarus: throughout the country employers prefer men to women and make no secret of it even if all professions enumerated in a staff list of an enterprise are gender neutral. It is common in Belarus to see vacancy announcements with gender indication, such as *“We accept a man of a certain age”*; *“Men-lawyers are needed.”* The majority of women do not even assume that vacancy announcements containing the words: *“a man is needed”* are discriminatory.

Women, especially young, are often refused during applying for a job not only if there are children but also if there is no (*“well, soon you will have one”*), and moreover, because *“they want to employ a man at this job.”* Such refusals are used not only for *“direct”* purpose, but also to put pressure on a woman, forcing her to carry out the same job holding a lower position and/or earning less money. Employers do not even bother to think of plausible excuses because our country lacks law enforcement practice of punishment for gender discrimination. There is also no statistics regarding such refusals; special researches into the issue are needed. The Labour Code prohibits discrimination in the field of employment in its most general sense, such as *“abridgement of labour rights or gaining of advantages depending on gender”*, and so on.

In experts’ opinion, there is a widespread practice in Belarus when an employer, abusing law, refuses to provide a woman with a minor child with holiday leaves during the time period convenient for her, or to change working conditions of a pregnant woman (according to a health certificate from a medical institution). On the contrary, he is trying to get rid of an unfavourable employee: carrying out disciplinary penalties, trying to fire the worker. If a woman starts to fight for her rights and demand obedience to the laws, she appears to be in danger of disgrace of her management and suffer persecution. *“When you start talking about your rights, persecution begins. If you are for the rule of law, you won’t stay long at the office.”*

Official unemployment rate in Belarus, averaged less than 2 per cent of economically active population, is one of the lowest in the world, but experts say that unregistered unemployment level is much higher. Sociological research conducted in 2009 revealed that nearly 10 per cent of female respondents were unemployed because they lost their job, but only 1.7 per cent of this percentage was registered as unemployed. According to official data, registration of unemployed has increased by 18 per cent since the beginning of 2009. However, the majority of jobless people do not register at employment services due to extremely low unemployment allowances and compulsory public work. By different estimates, women account for about 80 per cent out of the total number of the unregistered unemployed. The sociological research question “Are you afraid of losing your job?” was answered by female respondents in the following way: only 15 per cent of women said they were not afraid, approximately 60 per cent did not eliminate such a possibility, and more than 22 per cent were ‘extremely worried’.

Job placement and dismissal from work are still a painful problem for women due to the existing contract system. In 2004 the Presidential Administration forced all organizations to introduce the contract system and put their employees on fixed-term employment contracts. Employers threatened to dismiss employees, who would not conclude a contract. It was the unprecedented violation of citizens’ labour rights at the nation-wide level. Fixed-term contracts are still the main form of the employment contract in Belarus. The right of Belarusian employers to conclude contacts with all categories of workers contradicts the Constitution of the Republic of Belarus that guarantees full employment of the country’s population and citizens’ right to labour. The employers’ unilateral right to conclude contracts with all categories of workers discriminates employees in the sphere of labour relations and puts them in a disadvantaged position. Fixed-term contracts deteriorate employees’ condition mainly because an employer has the right to dismiss an employee when his/her contract expires without explaining any reason of the refusal to prolong the contract. At the same time it is impossible for an employee to cancel his/or contract by choice. This situation can be qualified as forced labour and restriction of freedom of profession that contradicts the ILO² Employment Policy Convention No.122, ratified by the Republic of Belarus. Moreover, from the title of the Presidential Decree No.29 it becomes obvious that the general contract system is a measure of disciplinary influence. According to the ILO Abolition of Forced Labour Convention No.105 ratified by Belarus, every ILO Member State by ratifying the ILO Convention is obliged to abolish and never use both forced and compulsory labor of any form.

The contract system at the level of enterprises and businesses is used by employers against activists of independent trade unions, members of opposition parties and public associations. Many representatives of independent organizations, including women, have been fired since the contract system was introduced.

Though for some categories of women the contract system provides certain protection from the dismissal. In particular, it prohibits dismissing pregnant women, requires prolongation of a contract with a woman with a child under three years old and, according to the recommendations, with a child under five years old. Women cannot be fired within the two years before their official retirement age. Other categories of women, including single mothers and mothers of many children, are not protected by the contract system. A woman with children, who has no choice whether to work or completely devote her life to child upbringing, has no guarantees and can lose her job at any moment. Women of pre-retirement age appear to be in a difficult situation as well. Although by the law, they can not be dismissed within the two years before the retirement age, but administration can always find some grounds to dismiss such woman just before she turns 53. An official from a placement service in Gomel says: *“it is women in their forties and older fifties who mainly get dismissed. And if it is still somehow possible for people in their forties to find a job of their qualification, people above 50 find it extremely difficult.”*

² ILO – abbreviation for the International Labour Organization

To the sociological research question ‘What are you going to do if you lose your job?’ almost all female respondents answered that they would try to find another job. Only 16 per cent of them said that they would get a job similar to one they used to have, while nearly 60 per cent said they would have to take either a low-paid job, not corresponding to their present qualification, or even an unskilled job.

Specialists at employment services and experts assume that the majority of women who lost their jobs, are generally re-employed sooner than men. Men tend to wait for a more attractive offer with a higher salary, whereas women are ready to take any job. The head of an employment service in Minsk explains the situation: *“If a woman has to support her family, she has no choice, she cannot wait for three months. She often takes two or three low-paid jobs at once.”*

After losing their job, the majority of women is trying to find the way out without state assistance. They often start working as plasterers, tilers, crane operators, although these professions have never attracted them before. They choose professions, where they would be able to earn a little bit more money. One of the solutions, women come up with if they lose their job, was described by the participants of focus-groups in Minsk and Gomel: *“Being out of work, most men leave their residence and look for a job in a different place, whereas women live on income they get from selling of mushrooms and berries, gathered in the forest. Lots of women try to avoid wasting money on public transport, so they just stay in the forest for the berry season and live in self-made dugouts without any comforts. And for many women this way out is more acceptable than to register at an unemployment service, collect a pile of necessary papers, and, as a result, after getting miserable unemployment benefit, waste time cleaning streets as a part of compulsory public work.”*

An utterly small number of unemployed women in Belarus are orientated towards entrepreneurship, towards setting up their own business, although many Belarusian women know that private enterprise is a proved means of self-employment and escape from poverty in many countries. Despite the process of economic liberalization launched in 2008, and certain improvements in business climate, Belarusian women are still very reluctant to start their own business. According to the results of a sociological research, carried out by the ‘NOVAK’ Laboratory, less than 2 per cent of women would go into business if they lost their job. Such a poor motivation for entrepreneurship among women is a direct consequence of unequal and harsh conditions in which Belarusian private business has been surviving for many years. Many women learned it by their own experience, struggling from day to day for the survival of the business they managed. For comparison, every third unemployed woman was ready to go into business in the 1990s; in 2005, the same idea attracted up to 5 per cent, in 2009 – only 2 per cent. This is a warning sign that points to the necessity of purposeful actions aimed at increasing of women’s motivation for entrepreneurship.

All these facts describe the unfavorable climate and working conditions Belarusian women have been caught up in. The situation is reflected in the results of the sociological research. For example, to the question ‘Are you satisfied with your current job?’ 37 per cent (i.e. more than one third) of the employed female respondents answered in the negative. Most of them (88 per cent) were dissatisfied with their salary and lack of promotional prospects. 22 per cent of women were dissatisfied with their working schedule that does not allow them to combine professional activity with child upbringing. Numerous female respondents reported a negative attitude of administration towards them and lack of opportunities for promotion.

Recommendations to the Government:

- Introduce a system of legislative regulations eradicating gender discrimination and marital status on all stages of relations between the employee and the employer (starting from publication of vacancy announcement);

- Develop and adopt the Law on Gender Equality providing mechanisms of its realization, including realization of equality in the labour market;
- Undertake a gender-based analysis of all laws and regulations on regular basis to ensure gender equality;
- Abolish Decree No.29 “On Additional Measures for the Improvement of Labour Relationship, Strengthening of Labour Discipline and Implementation Practice” that introduces the employment contract system, but contradicts criteria of adequate labour, established by the International Labour Organization (ILO), international norms, the Constitution and the Labour Code of the Republic of Belarus.
- Provide worthy income in all spheres of labour relations that would provide worthy means of subsistence;
- Provide protection from the loss of income or income decrease on the reason of unemployment, trauma, maternity or old age;
- Promote women’s and family entrepreneurship through the adoption of a special programme of women’s entrepreneurship support, educational system, counseling and micro-loans;
- Facilitate activities aimed at increase of legal competence of employees and employers.
- Collect statistics disaggregated by gender in all fields of activity, constantly study gender aspects of the labour market.

V. Women’s Health Problems: Article 12

After adoption of the National Programme of Demographic Security for the period 2007-2010, there were numerous articles and appearances on radio and TV about the attention paid to health care of a mother and a child and health care of pregnant women in Belarus. The State attention to women’s reproductive health was mainly caused by the acuteness of demographic problem in the country. And indeed, one can speak about some successes in solving of problems of maternal and children’s mortality. According to data of the Ministry of Healthcare, Belarus took the lead over the CIS countries³ and a number of Eastern European countries by decline of maternal mortality level (5.8 cases per 100 000 born alive – 2007) and up to five-year-old children’s mortality (6.7 cases per 1000 newborns). At the same time, it does not mean stability of this indicator and absence of other problems in the sphere of women’s reproductive health.

However, data of a sociological survey and estimations of the expert community (specialists in medicine, NGOs activists) show that not only many health problems of women in Belarus were not solved, but even grew worse during the last period. According to results of the nation-wide independent survey conducted in June 2009, three fourth (75 per cent) of women aged 18 and older have health problems. This figure is significantly higher in the elderly age groups. Among causes of diseases, women-respondents make a special emphasis on problems with early diagnostics, inaccessibility of specific medical services at the place of living, low quality of services provided by state-owned healthcare system and high price of private medical services, unfavourable ecological environment, constant nervous exhaustion, and stresses. It is significant that low quality of medical service and inaccessibility to a number of services are mentioned by all women’s groups irrespective for their age and region of living.

In accordance with the Law of the Republic of Belarus “On Healthcare”, medical services should be provided to women by state-owned medical institutions free-of-charge. But due to the deficit in the market of medical services and desperate shortage of narrow profile specialists, women often have to

³ CIS – abbreviation for the Commonwealth of Independent States that is a free association of sovereign states formed on December 21, 1991, comprising Russia and 11 other republics that were formerly part of the Soviet Union. Members are Russia, the Ukraine, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Armenia, Azerbaijan, Georgia, and Moldova.

be examined and treated for a fee at private clinics. At the present time, Belarusian healthcare system lacks the medical profession, including obstetrician-gynaecologists, children's gynaecologists, mammologists, oncologist and other specialists. Rural areas are highly understaffed due to closure of many first-aid stations; great shortage of specialists is also noticed in areas that suffered from the Chernobyl explosion. All above-mentioned facts reduce the level of accessibility of the population to highly qualified medical assistance.

Constant negative changes of the Belarusian women's health are mainly caused by radiation pollution of the environment, in spite of the fact that the government does not consider this problem as serious one. Independent expertise proved that there is an internal chronic radiation exposure of the population with small doses of radiation on the whole territory of Belarus. Thus, radioactive caesium was discovered in 100 per cent of tissues taken during the examination of scrapes of endometrium after abortion from women-patients of Grodno region that was recognized by the authorities as a region "clear from radiation", and nearly 20 per cent of the analysis samples were highly radioactive. However, statistical data concerning health condition of the population of the Republic of Belarus, including women's population, often appears to be inaccessible for researchers and the public.

The pathology of thyroid gland has dramatically increased in Belarus since Chernobyl catastrophe and remains until present at the extremely high level; though women suffer from this problem four times more often than men do. Nowadays, 23 years after the accident, the pathology of thyroid gland, including cancer, starts to be revealed in children whose parents were exposed to radiation in the early childhood (at that time they belonged to the youngest and the most vulnerable risk group). The pathology of thyroid gland directly influences on reproductive function of both men and women. Still, this is one of many problems connected with radiation. Experts of focus-groups (healthcare employees) mentioned growth of complications during pregnancy and labor, and inflammatory processes in women's urogenital system. On the whole, percentage of healthy newborns has significantly reduced over the last years in Belarus, and a number of malformations has increased.

Particular hazardous for women's health are malignant tumors of female genital organs and breast cancer. In the structure of common oncological disease incidence and mortality in Belarus, they made up 17 per cent in 2008. The number of breast cancer cases at the average increases annually in Belarus by 3500 people. Breast cancer in our country takes the first place in the structure of common disease incidence and mortality among malignant tumor in women in our country. According to data of the Oncology and Radiation Medicine Research Institution, the number of breast cancer cases has increased more than twice during the last ten years. Breast cancer is not only spreading more and more on women, but also is "becoming younger". If previously average age of women suffering from breast cancer was 56-60 years old, now it is 42-46 years old. In the opinion of specialists, one can predict significant increase of breast cancer level of girls that were born in 1986 and received intrauterine irradiation and irradiation at a very young age.

According to data of the US Institute of Cancer, radiation was declared as the only external factor that influences occurrence of breast cancer. The Belarusian specialists of the Institution of Radiation Medicine (Gomel) also confirmed this pattern. They revealed unusually high rates of breast cancer growth in Gomel region and in areas contaminated after the explosion at Chernobyl Atomic Electro Station. However, the Ministry of Healthcare of the Republic of Belarus does not officially recognize connection between growth of oncological diseases and radiation.

According to data of the Ministry of Healthcare, more than a half cases of breast cancer are diagnosed at the second stage. There is high index of detection of neglected cases of metastatic cancer (22.5 per cent), at the same time five-year survival rate makes up less than 60 per cent: it means that the majority of patients die within less than five years of life. Such a situation makes breast cancer in Belarus a mortally dangerous disease with low survivability.

According to official data, early detection of oncological localizations in female reproductive system during preventive examinations in 2008 made up less than 20 per cent. It confirms low efficiency of preventive work aimed at oncology detection. The reason of this depends largely on absence of mammographic screening in our country. With the high incidence rate, main attention should be paid to early detection based on mammographic screening. Deficit of mammographs, especially in small towns and rural areas, is still greatly perceptible in Belarus. Total lack of mobile mammographs for the rural population actually means that there is no opportunity for women to be examined for both preventive and diagnostic purposes in time. According to independent experts, the Ministry of Healthcare has not yet adopted a single statutory act that would provide for development and introduction of mammographic screening of female population of the country.

Within the bounds of the sociological research, experts were of a low opinion of efficiency of both the government programme of overcoming the aftermath of the Chernobyl disaster and the programme in the field of women's reproductive health (prevention, diagnostics, and treatment).

Lack of specialists and equipment explains low quality of regular medical check-up of a "labor reserve" group, established by the Ministry of Healthcare among female population for the purpose of increase of natality and improvement of reproductive health. However, the mark-out of the "labor reserve" group does not lead to the significant improvement of reproductive health and reproductive rights. On the one hand, medical supervision of this group often appears to be of a formal character, laboratory examination on hormonal status are not adequately carried out, there are also problems of getting to subspecialty consultations. On the other hand, creation of the "labor reserve" group significantly abridges freedom of reproductive choice of women of fertile age. District doctors at polyclinics often refuse to make a referral for abortion to women of the "labor reserve" group. Therefore, many young women have to go to private clinics for abortion, where this procedure is much more expensive than if provided by governmental medical institutions.

Teenage pregnancy, artificial interruption of pregnancy, and teen childbearing are serious problems of reproductive health of young women. According to official data, the number of abortions in the Republic of Belarus decreased practically in 2.3 times (89 000 cases in 2002, in 2007 – 38 000 cases). However, induced abortion is still widely used as a primary method of birth control. According to data of the Ministry of Healthcare of the Republic of Belarus, hormonal contraception is used only by 17.4 per cent of women. In compliance with the legislation, abortion can be conducted up to the twenty-second week of pregnancy; it can be either therapeutic abortion or abortion by social indications (low income, other children, housing problem, etc.), it ruins women's health and harms the society, on the whole. Surgical and medicamentous contraception of men is not even discussed in Belarus. High abortion level is caused not only by change of moral standards of society, but also by lack of system of sexual education of the youth, poor popularization of healthy lifestyle and low quality of family planning services. As a rule, competent counselling on the matters of reproductive health and family planning can only be provided in large towns. As a result, quite a number of women give birth to their children within less than two-years of interval between pregnancies, which brings irreparable harm to their health. Introduction of screening programmes aimed at prevention and early detection of reproductive system diseases is often of a formal character, as there is lack of personnel and low accessibility to laboratory examination (laboratories that use polymerase chain reaction (PCR), hormonal, bacteriological laboratories and others).

According to data of the Ministry of Healthcare, reduction of the spread of sexually transmitted diseases was noted during the reporting period (in 2004 such diagnosis was made in 636 cases per 100 thousand people, in 2007 – in 541 cases per 100 thousand people). However, it should be mentioned that the population has access only to diagnostics of syphilis and gonorrhoea.

Experts taking part in the research defined a problem of low awareness level on prevention and diagnostics of diseases, modern methods of contraception and family planning. The majority of women do not know about their right to qualified medical care and social security, it often leads to serious consequences. All participants of the research: specialists, experts, women-respondents, and women who had participated in discussions – emphasized the necessity of awareness-raising campaigns on women’s health problems through modern information technologies, including advertising campaigns, promo-actions, the Internet.

Recommendations to the Government:

- Develop national programme against breast cancer, pay special attention to family planning and organization of mammographic screening as the most informative and effective method of prevention and early diagnosis;
- Provide all healthcare institutions of all levels with modern mammographs for early detection of breast cancer and other diseases. Stipulate purchase of mobile mammographs, thereby increase accessibility of such service to the population;
- Ensure training of personnel for carrying out of mammographic screening and clinical mammary glands examination. Staff district polyclinics, including polyclinics in rural areas, with oncologists, mammologists, and obstetrician-gynaecologists.
- Provide qualified psychological assistance and rehabilitation, reconstructive surgery for women with breast cancer at all stages of treatment and surveillance;
- Assess and examine reproductive health of women living in the contaminated areas, develop methods of health assessment, carry out researches how low radiation doses influence on women’s reproductive health;
- Improve access to qualified medical assistance to pregnant women living in rural areas and provide for regular surveillance of pregnant women with chronic diseases;
- Improve laboratory examination of women of childbearing age, conforming to international quality standards. Equip and develop work of cytologic, postmortem, genetic, hormonal, bacteriological, and PCR laboratories. Bring them within the reach of rural population;
- Increase public awareness on problems of women’s health (cancer of reproductive systems, prevention of sexually transmitted infections, contraception, abortions, family planning, healthy life-style and others);
- Recommend local authorities and healthcare institutions to assist and widely use potential of public associations and voluntary groups in order to carry out awareness-raising work among population and patients;
- Provide access to statistical data concerning health level of the population of the Republic of Belarus, including women’s population.

VI. Gender Stereotypes: Article 5

Gender equality exists in Belarus de jure, but there still is a number of obstacles influencing realization of women’s rights in real life. On the one hand, the problem is rooted in the absence of systematic gender policy, effective legislative and institutional mechanisms aimed at gender equality realization. On the other, the consciousness of many people, including women, is patriarchal and burdened with gender stereotypes. Constantly facing gender discrimination on different levels of everyday life, women do not recognize it, they do not feel like their rights are being violated, they do not consider discrimination as social injustice. Existence of gender equality and its maintenance are only possible through constant review, re-evaluation and overcoming of gender stereotypes, and when society understands that problems of gender inequality are significant obstacles on the way to its development.

It is impossible to achieve gender equality and efficiently protect women's rights without gender education aimed at transformation of gender stereotypes. In order to create a more balanced and sustainable society, the topic of gender equality should reach far beyond the competences of narrowly specialized expert groups. Society passes on ideas of social roles, social values, and norms from one generation to another via education and mass media. Introduction of gender issues into different spheres of education and mass media is the main instrument of overcoming gender stereotypes. It is crucial that educational systems and their various constituents (educational institutions, educational and outreach programmes, scientific and research centres) should take upon themselves correction of existing gender-based hierarchy systems. The concept of gender equality must triumph in all the spheres – within the family, in society, and in the State. In family life it should triumph as equality of family rights and obligations of men and women, as mutual understanding and assistance. In the legal system, it should be depicted by acceptance of the fact that women's rights are an inalienable part of universal human rights. In social life it should be evident through practical realization of the principle of equality in rights, freedoms and opportunities for women and men. Finally, it should triumph as equal participation of women and men at the level of State governance. Only then will the State stop being a keeper of patriarchal and authoritarian principles. This is an urgent problem of the Belarusian society, that is still unable to get rid of “strong hand” and “fatherly care” syndromes and understand that these syndromes will vanish with the transformation of male superiority and leadership stereotype which currently implies authoritarian domination. Both education and gender education are here to form gender culture of the society, to facilitate promotion of modern conception of gender equality. The topic of equality (in historic, sociological, and political context) should be included into educational programmes, both in schools and universities, and should also be discussed and broadcasted via mass media.

But as the time has shown there were no considerable positive changes in the Belarusian practice since the last report had been prepared. Moreover, the period from 2004 to 2007 should be called “time of lost opportunities”. The system of gender education that began to develop in Belarus during late 1990-s and early 2000, was destroyed during the mentioned above period. This period can be described as the period of open confrontation and pressure on the part of the government on non-governmental institutions of higher education and other non-governmental organizations that formed a relatively independent sector of the Belarusian society. During this period educational channels and mass media were used by the authorities to propagate state ideology representing a mixture of soviet era values and traditional patriarchal principles.

In 2004, the authorities ordered to close down the European Humanities University (the EHU) that offered short-term and long-term gender educational programmes, including the MA course on gender issues. This has significantly influenced preparation of experts in gender issues. At the present time, the EHU works in the neighboring Lithuania and bears the status of “the university in exile”. However, alumni and MA degree holders of the EHU are rejected when applying for state service positions, while the Belarusian universities do not prepare specialists on gender issues. The Centre for Gender Studies of the European Humanities University continues its programmes, but has rather limited influence on public consciousness in Belarus, as without the access to mass media possible influence is limited to a very narrow circle of participants of projects.

Belarusian institutions of higher education lack special courses devoted to the issues of gender equality and women's rights issues. Several universities tried to introduce courses on gender sociology and feminology, but this did not become a usual practice.

Public associations, as main broadcasters of gender education in Belarus, encountered considerable difficulties in realized of their projects realization during the reporting period. The state blocked financial flows from international donor organization to NGOs; the government refused to register

many projects, including projects on gender education. For instance, in 2006 the project “The School of Gender Knowledge” of PA “WIDM” was not approved for registration. The project was aimed at promotion of gender equality policy and was supported by OSCE. The goal of the project was to assist spreading of gender-related knowledge in order to form favorable environment for further implementation of gender equality policy. The target group of the project included representatives of local authorities responsible for realization of gender equality policy. Non-registration of projects led to the situation when most of NGOs including women’s organizations, had switched to semi-legal activity. They worked over the projects supported by international donors but did not report their activities to public. This has led to considerable shrinking of the target audience and a dramatic decrease of influence on public consciousness.

Analysis of printed and electronic mass media that was conducted at different stages of the reporting period, showed some paradox tendencies: on the one hand, the patriarchal values became more important, on the other, the image of a woman in mass media was getting more and more sexualized and commercialized. The life of a Belarusian woman in mass media informational environment is trapped between marriage, motherhood, beauty, and sexuality. The research has also revealed increased interest of mass media to “female” marginalities – female crimes, alcoholism, and prostitution.

Recently one can note that considerable part of Belarusian cultural life is getting occupied by various beauty contests – national, interdepartmental, territorial. Beauty contests are conducted under the patronage of the Head of the State; high-level officials from the Ministry of Culture and the Ministry of Education are also involved into organization of contests. Mass media pays excessive attention to these kinds of events, trying tries to prove importance and even epicality of these events for the country to its readers. *“Female beauty is ranked as a state policy, it became the business of utmost governmental importance”* (from materials of the newspaper *“Sovetskaya Belarusiya”*). Beauty contests allow mass media to construct the image of “a real woman” who is not looped into her work and career, who does not argue with men, who believes that men are initially superior than women because they think about destinies of the humankind, and who is sure that only a man can make a woman happy, who is dreaming of two children. And the most important thing is that she is not a feminist. Judging on the scale of replication of this image in state mass media, it is exactly the image that should become a dream and an idol for all women in the country.

One can assume that self-identification of Belarusian women is different from what mass media offers to them. The social role of a woman has already changed. Her life plans and visions have changed, and priorities are undergoing the process of transformation, too. But the Belarusian mass media does not create positive images and appropriate models of behavior for women.

Recommendations to the Government:

- Develop the concept and create the system of gender education for secondary schools and institutions of higher education;
- Introduce a “Social Theory of Gender” course as an obligatory discipline into curricula of all institutions of higher education and advanced training institutions. It should also reveal and eliminate all the possible sexist approaches connected with gender discrimination from educational programmes;
- Develop basic course on gender education “Gender and Mass Media” for faculties and departments of Journalism;
- Provide control of possible penetrations into mass media of materials that disparage women. Positive representation of women in mass media should be achieved, and their equal status and equal responsibilities with men in private and public life should be reported;

- Develop and introduce special mass media programmes covering women's participation in political, social, economic, and cultural life of the country, that would form an adequate image of economically and socially active women;
- Increase efforts for further liquidation of mass media stereotypes on roles and responsibilities of men and women in all spheres of public life. The idea of bearing family responsibilities together should be widely promoted;
- Facilitate the spread of information on gender equality within the media, publicize state programmes and NGOs' projects aimed at achieving gender equality and transformation of gender stereotypes;
- Introduce the nomination "For the best description of women's participation in political, social, economic, and cultural life of the country, distribution of information on gender equality" at the annual exhibition "Mass Media in Belarus";
- Regularly monitor mass media in order to collect information on implementation of the National Plan of Action, to conduct researches in how the status of women and their input for development of society are reflected in mass media.

VII. Violence against Women: General Recommendation No.19 of the CEDAW Committee

One of the main challenges towards achieving gender equality in society is the prevalence of different forms of violence and threats of violence against women. Violence against women is an abuse of their basic human rights, including their right to physical and mental integrity, their right to life and their right to equality with men.

Family violence (physical, sexual, psychological, and economic) is the most dangerous one. Families, in which relations are based on violence, are part of a risk group, because children brought up in such atmosphere either become victims of violence, or inflict violence upon their relatives themselves. Society and all its members – men, women, and children – pay a high price for the evident lack of measures taken by the government and their low efficiency.

Domestic violence, as a social problem, has already been raised in the country both at the level of the government and the society. The last years saw some progress in the government policy on domestic violence prevention. However, violence against women is still widely spread and remains one of the most acute problems of the Belarusian society. Despite a number of measures taken, official statistics, provided by the Ministry of Internal Affairs, indicates the increase of family crimes, specialists-practitioners from support services report a low number of appeals for help from victims of family violence, in spite of the information activities and acuteness of the problem supported by the statistics. The problem of violence against women is like a mirror that reflects the state of the society, while its acuteness is evidence of a deep social and moral crisis. There is no doubt that such a situation requires both governmental and public interference. Mutually beneficial and respectful partnership among public associations, different governmental institutions, and educational establishments, based on common principles of rejection of all forms of violence, should become the most important condition for effective work on eradication of violence.

Despite measures that have been taken by the Ministry of Internal Affairs and the Ministry of Labour and Social Security to combat domestic violence, Belarus is falling short of its international obligations to protect women's rights. The very low number of women reporting to the police means that impunity persists for domestic violence. Measures and services to protect victims of domestic violence, including temporary shelters and adequate and safe alternative housing, are insufficient. There is a lack of mandatory governmental training programmes for police, judges, medical staff, and staff of state crisis centres for women. Key agencies, such as law enforcement officers and the courts, fail to record cases of domestic violence in a systematic manner and to create reliable and

comprehensive statistics disaggregated by gender, indicating the relationship between victim and perpetrator. As a result of a lack of public awareness and support, many women are unable to escape from the cycle of violence, and some return to living with the offender even after he has been prosecuted and punished because they have nowhere else to go.

In Belarus, violence against women by family members spans the spectrum from depriving women of economic necessities through verbal and psychological violence, to beatings, sexual violence, and killings. The crime sections of Belarusian newspapers regularly carry reports of violence in the family.

There some examples:

- Raisa had endured years of violence at the hands of her husband before he attempted to murder her with an axe. Svetlana's husband went on regular drinking sprees with his friends and spent all the family money on drink leaving her and two small children to go hungry. Svetlana described how he would bring food home for himself and eat it in front of the family without offering them any.

- In September 2005, in Novopolotsk, a man poured hot liquid over his wife causing fourth degree burns over 80 per cent of her body ("*Khimik*"⁴, September 13, 2005).

- In March 2006, as a result of an argument, a man threw his wife from the balcony of their ninth floor flat in Mogilev. Her clothing caught on an aerial on the eighth floor, but by the time she was removed she was dead ("*Sovetskaya Belarusiya*"⁵, March 21, 2006).

- In Soligorsk, a man and a woman were taken to hospital with burns. The woman claimed that her husband had poured acetone over her and set her on fire. The man claimed that they had had an accident during finishing works ("*Sovetskaya Belarusiya*", February 2, 2006).

Scale of Domestic Violence

The real scale of domestic violence in Belarus is still unknown, and the problem remains latent. Most cases go unreported because women either endure the violence or solve their problems without reporting the violence, such as by divorcing their husbands. However, there are indications that violence in the home is very widespread.

There are no publicly available detailed governmental statistics concerning the domestic violence problem and its impact on the lives of women and their families. The Ministry of Internal Affairs website⁶ gives statistics about crime figures and prosecutions, but these statistics do not include information about the victim or his or her possible relationship to the perpetrator. The Crime Prevention Department under the Ministry of Internal Affairs collates information on "domestic crimes" without disaggregation by gender. However, it is known that about 3000 women are becoming victims of all kinds of crimes in the home yearly, and there is a stable tendency of increasing of crimes against women. As sociological researches show, 4 out of 5 women in Belarus aged 18 to 60 are subject to violence, 22,4 per cent and 13, 1 per cent endure economic and sexual violence by their husbands or permanent partners, respectively. Many women escape from violent relationships by divorcing their husbands. Belarus has a high divorce rate: during the last decade every second marriage ended in divorce. The reason for more than a half of divorces is alcoholism and beatings.

⁴ "*Khimik*" (the Chemist) – a Belarusian newspaper.

⁵ "*Sovetskaya Belarusiya*" (the Soviet Byelorussia) – the Belarusian newspaper that has been published in Minsk since 1927.

⁶ <http://mvd-belarus.nsys.by>.

Public Attitudes

Domestic violence continues to be viewed in Belarus as a private matter and something that many people are reluctant to speak about. Very often, this prejudice masks acceptance of violence in the family. Social acceptance of violence means that women often cannot even count on the support of their close relatives. In Belarus, especially in the depths of the country, there are many old-fashioned people who say: “‘Put up with it. We are all women, we also had to put up with it’, or ‘Whatever he is, he is still the child’s father’. In such situations it is essential to work not only with the woman and her child, but with the relatives, who surround her, because sometimes there is such pressure from the relatives that no matter how much she wants to leave, the woman has nowhere to go.”⁷

These facts show that there is a need to conduct public awareness-raising campaigns on domestic violence issues, which would help to overcome social prejudice and acceptance of violence, and encourage women to speak out.

Mass media do not pay due attention to the subject, statesmen and public figures do not touch upon this subject in their programmes, projects, and the problem is of a hidden character. As a result, level of appealability to different structures is low, and violent behaviour patterns are transmitted from one generation to another. Setting the amount of social advertising, TV programmes, and articles dedicated to the theme of domestic tyranny against the number of action films, thrillers, and horror films, which are daily broadcasted on Belarusian channels, the situation is deplorable. As a rule, mass media address domestic violence problem only reporting on the events dedicated to this subject. For example, in “Narodnaya Gazeta”⁸ over the entire year of 2008 published only three articles on the subject of family violence, and all of them were timed to the corresponding events.

Legal Framework

The Belarusian Criminal Code does not define or criminalize domestic violence and no distinction is made between violent crimes perpetrated by strangers and those by family members. The Ministry of the Internal Affairs classifies cases of domestic violence as crimes occurring in the context of domestic relationships, and these crimes are most frequently prosecuted under the following provisions of the Criminal Code:

- Article 153: Deliberate infliction of minor bodily harm is punishable by community service, a fine, corrective labour of up to a year or imprisonment of up to three months;
- Article 154: Torture, the deliberate infliction of physical pain or mental suffering over a long period of time is punishable by three months’ imprisonment or restriction of liberty of up to three years or detention for the same period. The same offence when committed knowingly against a pregnant woman or a minor carries a sentence of restriction of freedom from one to three years or imprisonment from one to five years;
- Article 186: Threat of murder, infliction of serious bodily harm or destruction of property is punishable by a fine, or corrective labour of up to one year or up to five months’ imprisonment;
- Article 139: Murder carries a sentence of 6 to 15 years and in aggravated circumstances such as the murder of a minor, a pregnant woman or to cover up a crime it carries the death penalty;

⁷ Telephone interview with Amnesty International, August 17, 2006.

⁸ “Narodnaya Gazeta” (“People’s Newspaper”) – a Belarusian newspaper.

- Article 156: Minor hooliganism, such as swearing in public, insult and other actions that disturb public order is punishable by a fine or corrective labour of one to two months with retention of 20 per cent of the earnings or administrative arrest of up to 15 days.

The Criminal Code and Administrative Code do not offer adequate definitions of physical and psychological violence. As a police officer mentioned to Amnesty International representatives, it is particularly difficult to identify psychological violence. He had come across only one case where an administrative penalty was applied for insult. Article 154 of the Criminal Code which criminalizes torture only defines it as “deliberate infliction of lasting pain or torture in such a way as to cause particularly severe physical and mental suffering to the victim, or systematic beating” which does not offer enough guidance. Both police officers interviewed thought that it would make their job easier if there was a specific article on domestic violence which offered detailed definitions.

The Criminal Justice System

The Ministry of Internal Affairs has taken steps to improve access to justice for victims of domestic violence. In 1996, it set up the Domestic Crime Programme (System “Byt”) in the Crime Prevention Department. This programme addresses all crimes that occur in the home. It is not specifically aimed at combating domestic violence, although the majority of perpetrators are men and the majority of victims are women. The programme has made a difference to the way women are treated by the police when they report domestic violence. Women who had suffered domestic violence stated that police attitudes have improved. The Domestic Crime Programme aims to cut down the number of serious crimes that result from family conflicts by working within the existing legislation and prosecuting lesser crimes that are often a precursor to murder or serious battery. According to the Recommendations made by the Ministry of Internal Affairs, each police station carries out work to prevent domestic crimes, identifies and keeps records on perpetrators and, together with other organizations, develops strategies to prevent them from re-offending. Records of domestic crimes are kept separately from other records making it possible to provide figures for murders and other crimes committed in the context of family conflict. However, these figures cannot be easily disaggregated by gender and despite requests to the Ministry of the Internal Affairs still it is impossible to receive any information on the number of women murdered by their husbands in Belarus.

There is a dedicated community support officer in each police station who is required to devote a percentage of his time to this work – a policeman carrying out this work in Borisov told Amnesty International representatives that he devotes about 30 per cent of his time to work on domestic crime. Training is offered to those police officers who work within the Domestic Crime Programme, but it is offered in the form of voluntary continuing education courses. There is no training on domestic violence as part of the regular police training programme.

As well as prosecuting crimes, these community support officers are often involved in the early stages of conflict in a relationship. One employee of the Ministry of Internal Affairs informed Amnesty International during a telephone conversation: “Here it is different. It is not like in your country where the police only get involved when there has been an act of violence. We have various articles such as hooliganism which mean that the police are involved when there are relationship problems.” One woman told Amnesty International that after she had reported her husband to the police for beating her, a community support officer regularly phoned her to check if she was alright.

There are no female police officers doing this work. The authorities try to justify this on the grounds that the work is too risky for female employees. Amnesty International believes that an increase in the number of female police officers could encourage more women to report incidents of domestic violence and thus cut down on impunity.

Each police station also keeps a register of individuals who have allegedly committed acts of violence in the home known as “family scandalists”. In order to be put on the register an individual must have been reported at least twice in the past year for acts of violence in the home. 20,000 men are on the list of “family scandalists”, but a criminal prosecution cannot be started until an individual has been reported three times for crimes in the home.

All witnesses are questioned to confirm physical injuries. A character reference from the place of work for the accused is required plus any additional information from the victim’s medical file and information already on the register of “family scandalists”. The police officer commented that it is often difficult to prepare an adequate case because most conflicts occur without witnesses or the witnesses are small children. If there are witnesses they are often reluctant to get involved.

Policemen who spoke to Amnesty International representatives complained of lack of resources for their work. One policeman said that he does not have access to a police car and when called he must either walk or take public transport. Only in extreme cases, such as an attempted murder, does he have access to a police car.

Forensic Evidence

There are forensic medical departments in city and district hospitals where women can have a forensic examination free of charge if it is ordered by the police. A woman can also have an examination without a police request but such service will be for a fee. There can sometimes be delays which can be very distressing for women. In one rape case a woman was told to wait two days and ordered not to wash. Another woman told Amnesty International that when she arrived for her test she was told that the department was closed and that she should come back the following day, when it was closed again. She was not examined until the third day. Women who live in villages will be required to go to a city hospital and will in any case need to come to town to report to the police if there is no police station in their village. Some NGO staff complained that the forensic doctors are not all adequately trained.

Courts

Within this flawed legal system, victims of domestic violence fare reasonably well, and once a woman has overcome all psychological and social barriers, and reported to the police, the perpetrator will usually get convicted. There are no specialized family courts so domestic violence cases are heard in general courts that hear all criminal cases. In criminal cases the woman is represented by the prosecutor, although the victim is entitled to have a representative who can be a lawyer, but she will not receive legal aid to cover the costs.

Why Women Do Not Report

In Belarus, as in other countries, women who have suffered domestic violence rarely take the first step of approaching the police, yet criminal proceedings require an official report of the victim. Tolerance of violence, fear of reprisals from abusive partners, fear of prosecution for other offences, self-blame, fear of shaming the family, low self-esteem and financial insecurity are some of the main reasons why women do not report to the police. Women may also be discouraged from reporting cases of domestic violence to the police because in many cases the perpetrator is fined and the money must be found from the family budget.

Belarus lacks stable and systemic social advertisement on the domestic violence subject and also there is no information about support services and concrete help which the victims can get. That is why it can be extremely difficult for women to get an access to any kind of support. There are no widely advertised national support services. In some towns there are active NGOs or state centres that

advertise, but some women simply have nowhere to go. In Belarus, where very few support services are available, and there is little information about those that are available, it is perhaps unsurprising that women do not see the benefit in reporting the violence that they suffer.

Police officers complain that women frequently withdraw reports of violence. Women's reluctance to report domestic violence and their tendency to withdraw complaints is due to their fear of reprisals by the perpetrators of violence. In Belarus, a criminal case is usually only started when the victim of domestic violence makes an official complaint, and thus the woman is exposed to the risk of reprisals and physical and psychological pressure from the perpetrator.

The Council of Europe recommends that states should make provisions to ensure that criminal proceedings can be initiated by the public prosecutor so that "the primary responsibility for initiating prosecutions lies with the prosecution authorities and does not rest with the women subjected to violence".

The Belarusian Criminal Procedural Code does have a provision for the prosecutor to open a criminal case and this could be used more frequently. By taking on the responsibility for initiating prosecutions in domestic violence cases, rather than leaving it in the hands of the victims, the Belarusian state would be complying with its obligations to protect women's rights to mental and physical integrity.

Women will trust the legal system if they have reason to believe that a prosecution will result in a life free of violence for themselves and their children. Only once there is a co-ordinated cross-ministerial system of support and protection from violence in place will turn women to the criminal justice system with confidence.

The CEDAW Concluding Observations on Belarus, 2004 provide the following: "The Committee calls upon the State party to enact the draft law on the prevention and suppression of domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed."

A Draft law on the prevention and elimination of domestic violence was drawn up in 2002, discussed in the Parliament and approved by the Ministry of Internal Affairs. However, it has not yet been passed by the Parliament due to a lack of its political support.

The adoption of this law could improve protection for women at risk of violence in their home. However, the law should be supported by adequate funding and implemented by police, prosecutors, and judges who are properly trained. The Draft law was based on the UN model legislation. It defines domestic violence as "any violent act of a physical, sexual, psychological or economic nature and (or) the threat of such acts within the sphere of day to day family relations, if these acts infringe on the constitutional rights and freedoms of members of the family and damage their physical or psychological health".

The law is a preventative law and does not provide for punitive measures against domestic violence. It outlines a number of measures for prevention and protection such as restrictive measures, including injunctions and official warnings, and protective measures such as protection orders. The Draft law also calls for the victims of violence to be provided with access to a shelter on request.

Protection Mechanisms

It is important that the legal framework does not permit perpetrators of violence in the home to act with impunity. However, women must also be protected and offered access to shelters and housing as well as other support services, such as psychological counselling to help them recover from the trauma

of years of violence and build their confidence and self-esteem. (The Beijing Platform for Action, 124, d).

Governmental Social Services

The Ministry of Labour and Social Security runs a system of Territorial Centres for Social Assistance to the Population (Territorial Centres). A ministerial resolution on the setting up of crisis centres for women within Territorial Centres was adopted in 2000. The resolution proposed that the crisis centres offer social, medical, psychological and legal advice and the possibility of setting up temporary shelters where women could stay for up to two months. Social protection and rehabilitation of victims of violence and trafficking in persons is free of charge. It also includes temporary place of living in the “crisis” rooms (there were opened 14 “crisis” rooms), which, if necessary, can be created in social adaptation and rehabilitation departments of Territorial Centres for Social Assistance to the Population.

However, there is no statutory requirement to set up such centres and, therefore, the existence of shelters depends totally on the interest and motivation of individual staff and on support from local authorities. At present crisis centres created especially for assistance to women function only in several Belarusian towns – Gomel, Mozyr, Smorgon and Pinsk.

NGOs' Activity

Women's public associations of Belarus contributed to a considerable degree to solving of domestic violence problems. They carried out researches, broad public awareness-raising activities, and rendered counselling services to women and children who had suffered violence. But none of the NGOs received any fundings for their work on elimination of domestic violence. At the best, some NGOs received material assistance from state agencies, such as the use of office space, but all those offering services were doing so as volunteers.

The NGOs receive their main resources from foreign donors. However, women's organizations admit that external donors are not always interested in problems of domestic violence, so they are not in a hurry to fund domestic violence projects. Most of women's NGOs state that their attempts to obtain money from foreign donors in a legal way were blocked by the authorities. A number of NGOs with skilled personnel and practical experience, which successfully were dealing with domestic violence problems, put an end to their activities aimed at rendering of services to women subjected to violence. For example, in 2005 PA “Women's Independent Democratic Movement” had to close down its Women's Educational and Counselling Centre that worked with victims of violence, because of the pressure from the government and loss of the premises.

At present work on domestic violence problem is carried out by PA “Radislava” that started its work in Minsk in 2001 within the framework of the TACIS Programme as a “Crisis Centre for Women and Children Subjected to Violence”. At that time, it was the only diversified social organization in the Republic of Belarus offering a full range of services (including shelter for victims of domestic violence and trafficking in persons). However, in 2006, PA “Radislava” had to close down its “Crisis Centre” because of the high rent and household running costs. In 2007, having unified efforts and recourses with the Territorial Centre for Social Assistance to the Population of Pervomaisky district in Minsk, PA “Radislava” was able to continue its activity. These joint efforts led to creation of the Support Service for Citizens Subjected to Violence. In 2007 and 2008, PA “Radislava” with the assistance of the Christian Children's Fund in Belarus carried out the project “Support Service as a Form of Counteraction to Violence against Women and Children”. As a result of this work, there've been trained 25 specialists from five Belarusian regions, where Support Services under Territorial

Centres for Social Assistance to the Population are currently operating. In the framework of the project information materials were developed, and the website stopnasilie.org was created.

PA “Belarusian Young Women’s Christian Association” (PA “BYWCA”) carried out a range of research and educational projects on the problem of domestic violence. The NGO “Pravovaya Initsiyativa”⁹ conducts public awareness-raising programmes for women, runs a personnel training programme for Territorial Centres under the Ministry of Labour and Social Security.

Several regional organizations also deal with the domestic violence problem. The NGO “Provintsiya”¹⁰ in Borisov (60 km from Minsk) offers a hot line as well as psychological and legal assistance to the victims of domestic violence and trafficking in persons. The organization receives no funding and uses space in the office of a local newspaper. All the psychologists and lawyers involved are volunteers. The organization “Doveriye”¹¹ in Orsha has formed an initiative group to support women and children at risk of domestic violence and trafficking in persons. The group offers psychological and legal counselling and runs awareness raising programmes. The organization works with the local Territorial Centre under the Ministry of Labour and Social Security, which refers families to them for counselling.

Belarusian NGOs have always strived for consolidation and cooperation with governmental institutions on the problem of violence but far not always found support from the State. The government should support women’s NGOs and use their knowledge and experience while planning and implementing joint projects, and not dissipate valuable resources that could have been used for the improvement of lives of women at risk of family violence.

Shelters

The CEDAW Concluding Observations on Belarus, 2004 provide the following: “Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid, as well as accessible shelters in sufficient numbers and with adequate funding.”

In practice, victims of domestic violence do not have access to any shelters in Belarus. Unfortunately, Belarus lacks shelters as one of the most effective forms of assistance to domestic violence victims. Shelters should guarantee security, anonymity, absence of bureaucracy, and also take into consideration victim’s necessities and interests. At present, “crisis” rooms at the Territorial Centres for Social Assistance to the Population and at PA “Radislava” are in conformity with required standards, therefore, they are not popular among Belarusian women.

Adequate Long-Term Housing

While many women leave a violent relationship temporarily and, for example, stay with relatives or friends, many do not leave permanently. Often the lack of viable alternatives prevents them from doing so. As women often do not have a sufficient income of their own to rent or buy accommodation, they have nowhere to go unless friends or their family are prepared to offer them accommodation on a permanent basis.

The UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, stated in his February 2005 report “Women and adequate housing” that “women living in situations of domestic violence inherently live in inadequate housing, due to the violence they face within the home. Many women are prevented from leaving

⁹ “Pravovaya Initsiyativa” (Legal Initiative)

¹⁰ “Provintsiya” (Province)

¹¹ “Doveriye” (Trust)

violent situations, because alternative housing and financial support are unavailable.” He urged governments “to ensure that women can access temporary, appropriate shelters and retain access to adequate housing on a longer term basis so that they do not have to live in situations of violence in order to access adequate housing.” In addition he called on governments to “introduce anti-violence provisions in housing legislation and policies and ensure that domestic violence law includes provisions to protect women’s right to adequate housing.”

The following cases were mentioned in the Amnesty International report:

“Raisa told Amnesty International how she finally left her husband: “I had a constant feeling of fear which grew and grew and I finally took the child and went to my mother’s place. I left the flat which is a big step in these times. It wasn’t easy at my mother’s place. She also has a one-room flat. We were all together, me, my child, my mother and her husband. I slept on the floor for two months. Then my stepfather threw us out with the child right on the street. A woman I was working with put us up and let me stay in her home. I stayed there a year.”

Even after she left her husband Raisa continued to go to the flat and to do his laundry so that he would not deprive her of the right to live in the flat. After he died, having sold everything in the flat including the light bulbs to feed his drinking habit, Raisa was able to move back in with her son.

When Elena decided that she could no longer live with her parents after escaping a violent relationship, she applied to local authorities for alternative housing in a dormitory, but was refused because she had already been assigned the living space she was entitled to. In fact, she could not live in the flat that she had been assigned with her husband because of the risk that she would be exposed to violence. She finally solved the problem by negotiating with her husband that she would swap the large three-room flat they had lived in together for a small bed-sit, and he would move in with his parents and keep the cash that they received as part of the swap.

In Belarus, all property that is bought during a marriage is considered joint property, and can only be sold by agreement of both parties. If the property was acquired by one of the spouses before marriage or was inherited, then it belongs to that person, but the other person has a right of residence. In order to sell the flat regardless of who is the owner, all adult members of the family must agree to the sale. Nadezhda divorced her husband because he beat her, but she is still sharing a flat with him and still being subjected to violence because he will not agree to sell the flat. According to the Deputy Chief of the Ministry of Internal Affairs for the region of Minsk, housing problems often underlie domestic conflicts and up to 70 per cent of former married couples are still living together after divorce.

There is a provision in the Housing Code of Belarus that allows for compulsory eviction, but this only applies when the person to be evicted does not have a share in the ownership of the property and has already been convicted for some form of anti-social behaviour¹². Due to the housing shortage many people apply for permission to divide an existing flat so as to create separate living space. In this case each person will have separate ownership of the subdivision that has been created.

All above-listed facts indicate that the government of Belarus fails to protect women from domestic violence. For various reasons, including lack of public information, lack of access to support services, shame, and fear of reprisals, women do not report cases and perpetrators go unpunished. Women remain in violent situations because they do not have viable alternatives such as short-term shelters and long-term solutions to their housing problems. Some positive steps have been taken, such as the Domestic Violence Programme run by the Ministry of Internal Affairs and the Women’s Crisis Centres run by the Ministry of Labour and Social Security, but these initiatives are not enough to protect women sufficiently and to combat impunity. If it is to comply with its obligations under the

¹² Housing Code (1999), March 22, 1999, №248-3, Art. 39

Women's Convention, the government should make the elimination of domestic violence one of its priorities in the area of human rights. Amnesty International believes that the lives of women in Belarus could be significantly improved, and impunity for violence in the home reduced, if the government enacts the following recommendations. These include the recommendations made by CEDAW in its Concluding Observations in 2004.

Recommendations to the Government:

End impunity:

- Undertake a review of those articles of the Criminal Code and the Administrative Code that are most commonly used in cases of domestic violence to ensure that they offer a definition of domestic violence in line with the definition in the UN Declaration on the Elimination of Violence against Women;
- End the practice of imposing fines for acts of violence in the home, finding instead appropriate punishments commensurate with the crime that do not have an adverse impact on women survivors themselves;
- Enable support for and promote the recruitment and training of women police officers to provide a better gender balance within the Ministry of Internal Affairs and to encourage women to report incidents of domestic violence;
- Develop the systems already in use by the Department for the Prevention of Crime and compile reliable and accurate statistics disaggregated by gender and indicating the family relationship of victim/s and perpetrator/s on reports, and investigations and prosecutions of violence against women in the family across Belarus, and make these statistics available to the public;
- Create a code of conduct for law enforcement officials on best practices in responding to women who are victims of violence to ensure that women are not revictimized by gender insensitive law enforcement practices, and train all police officers in the use of this code of conduct. Also ensure that assessments of the effectiveness of training are in place and that action is taken to ensure that codes of conduct are enforced in practice;
- Make more use of the powers of prosecutors to initiate prosecutions in the absence of official complaints by victims in domestic violence cases and thus cut down the risk of retaliation by perpetrators and the number of complaints that are withdrawn by victims;
- Fund and implement training schemes for doctors, nurses, medical students, and forensic scientists, so that victims of violence against women are treated with sensitivity throughout the legal process, and evidence of violence against women is properly collected, presented and considered.

Protect women against domestic violence:

- Ensure that all women who have been subjected to violence are provided with access to full redress and reparation, including compensation and psycho-social and medical rehabilitation;
- Ensure sufficient public information and points of access for women to report domestic violence, such as hotlines covering all regions of Belarus and staffed by sufficiently trained personnel, including legal experts and psychologists. Ensure there are brochures and posters disseminated at hospitals, primary health care centres and courts, as well as websites;
- Ensure the provision and availability of adequate and safe housing for victims of domestic violence for both short-term and long-term needs;

- Promptly allocate secure, long-term government funding, or actively seek donor funding, to ensure that a sufficient number of appropriate shelters are set up across the country in collaboration with NGOs experienced in working to protect women from violence;
- Ensure that the staff of Territorial Centres under the Ministry of Labour and Social Security are provided with adequate training in domestic violence and enforce codes of conduct so that appropriate services are provided to survivors;
- Co-operate with and publicly support the work of women's NGOs on violence in the family and community, using their insight and experience in planning and implementing joint projects for the prevention of violence against women in the family and the protection of victims;
- Facilitate the functioning of NGOs by making the necessary legal changes to ensure that the right to freedom of association is protected in Belarus, and that no one can be prosecuted for exercising this right;
- Implement the decision of the Ministry of Labour and Social Security to establish crisis centres in every Territorial Centre.

Public awareness and information:

- Fund and implement outreach and educational campaigns to address the underlying social and cultural attitudes that discriminate against women and that facilitate and perpetuate violence against them. These campaigns should: promote zero tolerance of violence against women, remove the stigma from women victims of violence, and encourage victims to seek redress. The campaigns should include community leaders, municipal politicians, the media and civil society, and could take place in schools, adult education facilities, citizens' forums, workplaces, through web pages, open lectures and debates;
- Raise public awareness across Belarus through mass media, public education campaigns, and in schools that gender-based violence is a human rights violation, and a crime which will be effectively sanctioned, whether committed by a state agent or a private individual;
- Inform the public about the Optional Protocol to the Women's Convention to which Belarus acceded on 3 May 2004, which enables individual women and groups to petition CEDAW directly about violations of their rights under the Convention.

VIII. Conclusion

During the reporting period, there was no improvement in women's status in Belarus, and positive tendencies towards elimination of gender discrimination remained invisible.

This period is characterized by the absence of systematic gender policy – within almost three years, the government did not adopt a new National Plan of Action for gender equality, and the National Council on Gender Policy was inactive during this time. Special subdivisions on gender issues were not created within agencies of executive and legislative power. The National Council on Gender Policy resumed in January 2009 does not have enough authority, financial and human resources for effective work aimed at improvement of women's status.

The number of members of women's movement in Belarus has reduced, and the movement itself has encountered significant institutional development problems. In relation to NGOs, a new legislation that limits and complicates activity of NGOs was formed. Such policy changes resulted in the abrupt decrease of public activity and number of independent NGOs and even self-liquidation of organizations, including women's organizations. Prosecution of NGOs, absence of publicity and civic dialogue had an impact on maintenance of gender discrimination.

One should also mention aggravation of women's problems in the labour market, exclusion of women from managerial positions, worsening of women's working conditions and feminization of unpromising, second-rate and underpaid spheres of activity. Women carry out significant part of household work. In the sphere of economic and social guarantees exist such problems as inadequate system of social assistance, unfavourable working conditions of women with account taken of their reproductive function.

Problems of women's health have worsened, including problems of women's reproductive health. Number of breast cancer cases has significantly increased. Due to low efficiency of oncology diagnosis, breast cancer in Belarus became a mortally dangerous disease with low survivability. Belarus lacks a national programme against breast cancer, mammographic screening as the most effective method of prevention and early diagnosis is broadly used. The Ministry of Healthcare ignores the influence of low radiation doses on women's reproductive health, does not research and does not develop methods of health assessment of women living in the contaminated areas.

Recommendation, worked out by the 30th session of the CEDAW Committee in January 2004, had not become a guideline for the government of the Republic of Belarus to achieve gender equality and secure women's rights. Moreover, one year had passed since the Ministry of External Affairs having received the CEDAW Committee's Recommendations sent them to other ministries and governmental agencies for the insight. The CEDAW Committee's Recommendations have not become a point of issue among governmental officials and governmental mass media.

IX. Sources:

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