

# HALF AN HOUR TO SPRING

**Addressing Discrimination and  
Inequality in Belarus: Executive Summary**

The Equal Rights Trust  
In partnership with the Belarusian Helsinki Committee



THE EQUAL RIGHTS TRUST  
IN PARTNERSHIP WITH THE BELARUSIAN HELSINKI COMMITTEE

# **Half an Hour to Spring**

## **Addressing Discrimination and Inequality in Belarus**

### **Executive Summary**

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The Equal Rights Trust (ERT) is an independent international organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice. Established as an advocacy organisation, resource centre and think tank, ERT focuses on the complex relationship between different types of discrimination, developing strategies for translating the principles of equality into practice.

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This report has been prepared with the financial assistance of the European Union. The contents of this report are the sole responsibility of The Equal Rights Trust and the Belarusian Helsinki Committee and can in no way be taken to reflect the views of the European Union.

*We are punished with being late  
Having uttered the pledge of love too soon  
Having trusted the wrong people  
Half an hour to Spring*

*Half an Hour to Spring*

**Pesniary**

(A popular Soviet time Belarusian rock band)



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## EXECUTIVE SUMMARY

Is Belarus the last dictatorship in Europe or a state for the people and a model of tolerance? This report – the first ever comprehensive portrayal of discrimination and inequality in Belarus – reveals a complex picture. The repressive nature of the Belarusian regime is well-known. Accordingly, this report finds significant evidence of discrimination on grounds of religion, ethnicity, language and political opinion, against those associated with heterodox views of the country's future. Yet it also finds evidence of a range of policies aimed at accelerating progress towards equality for women, disabled persons, and other groups traditionally exposed to discrimination. Thus, the report challenges some of the well-rehearsed stereotypes about today's Belarus, while also asking how far it is possible to achieve equality in a country where respect for fundamental rights is limited.

Article 22 of the Constitution of the Republic of Belarus of 1994 proclaims equality of all before the law and the right of everyone to equal protection of their rights and legitimate interests without any discrimination. However, the country must overcome a number of barriers if it is to become an equitable society free from discrimination.

### 1. Introduction

#### *Purpose and Structure of This Report*

The purpose of this report is to describe the main patterns, forms and causes of inequality and discrimination in modern Belarusian society through analysis of legislation and administrative and judicial practice, and to formulate recommendations to the Belarusian authorities. The report consists of four parts. Part 1 sets out the conceptual framework which has guided the authors' work as well as the research methodology and provides basic facts about Belarus. The second part considers the situation of disadvantaged religious, ethnic and language groups through the prism of equality and non-discrimination, as well as groups whose inequality problems are largely the result of traditionalist attitudes in Belarusian society (women, persons with disabilities and people living with HIV, as well as members of the LGBT community). Special attention is given to people who hold, or are perceived as holding, political opinions opposing the regime. The third part of the report provides an overview of the



international legal obligations of the Republic of Belarus in the field of equality and non-discrimination at the level of the UN, the OSCE and the Commonwealth of Independent States (CIS), and considers Belarusian national laws and state policies, as well as judicial practice in this area.

### *Conceptual Framework and Research Methodology*

The conceptual framework of this report is the **unified human rights framework on equality**, which emphasises the integral role of equality in access to all human rights and which aims to overcome fragmentation in legislation and policy in the field of equality. The unified human rights framework on equality is a holistic approach which, while keeping in view the specificities of the different strands of equality and the different types of disadvantage, seeks more effective implementation of the right to equality through highlighting also the overarching aspects of these different strands and types. This conceptual framework allows review and comparison of inequality on different grounds (for example, ethnicity, language, gender, gender identity, disability, sexual orientation, religious belief or political opinion), and in a variety of fields, such as law enforcement, employment, education, social and political participation and access to goods and services.

The unified human rights approach to equality is reflected in the Declaration of Principles on Equality. This document was developed and issued by The Equal Rights Trust in 2008, following consultation with 128 experts in the field of human rights and equality from 47 countries in different regions of the world.

This report was prepared on the basis of research into Belarusian legislation and its implementation, combined with historical, political and social research, review of official statistics and the results of field research by Belarusian human rights activists. To date, the issues which are the focus of this report have not been the subject of detailed study by domestic or international academics, inter-governmental organisations, human rights organisations, or the Belarusian state authorities. Therefore, together with a review of existing publications and materials, the authors have taken steps to collect primary data through a survey and field research using focus groups and interviews. This field research was undertaken by the Belarusian Helsinki Committee, with the guidance of The Equal Rights Trust.

## *Country Context, Government and Politics*

Part 1 sets out the demographic, socio-economic, political and historical context of the issues of equality and non-discrimination in Belarus. Below are the key facts:

- Belarus is a landlocked country in Eastern Europe. It is divided into six regions and the territory of the capital, Minsk. The country's territory is 207,600 sq km. It borders on Russia, Ukraine, Poland, Lithuania and Latvia.
- The main ethnic groups ("nationalities") are Belarusians – 83.7%, Russians – 8.3%, Poles – 3.1%, Ukrainians – 1.7%, Jews – 0.1% (2009). The country has two official languages – Belarusian and Russian.
- Of those professing a faith, the majority consider themselves Orthodox Christian. The second largest religious group is Roman Catholic.
- According to figures from 2011, GDP in current prices was 276,009 billion Belarusian roubles or 55.48 billion U.S. dollars (5,881 U.S. dollars per capita).
- According to the UNDP, in 2011 Belarus ranked 65th on the Human Development Index, having the highest rating among CIS countries. (The CIS consists of 11 of the 15 former Soviet republics. Georgia, Latvia, Lithuania and Estonia are not members.)
- All of the territory of modern-day Belarus has, in the past, been part of other states. Belarus finally became an independent state in 1991, having been part of the USSR, as the Belarusian Soviet Socialist Republic (BSSR) until that point.

- Belarus is a presidential republic. The incumbent President of Belarus, Aliaksandar Lukašenka, was first elected to the post in 1994 and has been re-elected three times since. Belarusian politics is characterised by a strong authoritarian tendency, a limited role for political parties and little legislative initiative on the part of Parliament. Nevertheless, the current Belarusian regime has relatively broad popular support.
- Belarus participates in a number of regional integration initiatives dominated by the Russian Federation.

## 2. Patterns of Inequality

Analysing the principal patterns of inequality in Belarus requires an understanding of the two competing visions of Belarusian nation-building – and two corresponding perspectives on national identity – one pro-western (European) and the other pro-eastern (Russian), as well as an appreciation of the various combinations of these perspectives. The “irregular” – those social groups which have, or are perceived to have, unorthodox positions – are disadvantaged in a number of ways. This “irregularity” can concern approaches to nation-building or national identity, or be associated with political opposition. Some groups may suffer as a result of the prevalence of traditionalist and paternalistic attitudes in society, which are sometimes exacerbated by government inaction. In considering examples of inequality in different areas, the report focuses, where necessary, on the historical and foreign policy context (that is the influence of neighbouring states and domestic developments within those states).

### *Religion or Belief*

Belarus greeted the twentieth century with a predominantly Orthodox population, and this remains the case today. The majority of people in Belarus are religious, though this does not necessarily translate into high levels of participation in religious rites and sacraments. Catholicism is also prevalent, particularly among the Polish minority. The Constitution proclaims the equality of all religions and religious denominations before the law, while

at the level of legislation and judicial practice, there are five main “traditional” denominations. The government promotes the “Belarusification” of the Catholic Church through its visa policy. The attitude of the authorities to “non-traditional” faiths is characterised by suspicion. Legislation creates inequalities between the traditional denominations and small or newer religious movements. There are also examples of administrative obstacles to the registration of religious organisations. Unauthorised activities by religious organisations are prosecuted as administrative offences. Participation in the activities of an unregistered organisation is a criminal offence, and the authorities have repeatedly given official warnings to those breaching the law that they are liable to criminal sanction. Legislation restricts religious activity outside religious buildings. Although conscientious objection is provided for in the Constitution, no implementing legislation has yet been adopted.

### *National (Ethnic) Minorities*

Ethnic Belarusians make up more than 80% of the population. For the major ethnic groups, including Belarusians, there is no strong correlation between declared ethnicity and the declared use of a “national language”; the only exception being ethnic Russians, who almost entirely speak Russian as their mother tongue. The Constitution and other laws guarantee equality in key areas of public life for national minorities (understood as including only Belarusian citizens). There are some legal safeguards on the use of minority languages in education, and in practice there are Polish- and Lithuanian-language schools. Regulations restrict the public use of minority languages (for example in street advertising), but these do not provide for any sanctions. The second largest minority – after ethnic Russians – are ethnic Poles. As a result of the politicisation of issues related to the Polish minority, ethnic Poles face discriminatory treatment by the authorities of both Belarus and Poland in the exercise of their right to association. For the same reason, the system of Polish-language schools remains undeveloped. The Belarusian authorities have shown commitment to combating anti-Semitism, though problems with respect for Jewish cultural heritage remain. The state has not restored the ownership of religious buildings which were nationalised under Communism. The Roma, as in other European countries, face systemic discrimination and racial profiling by law enforcement agencies.

### *Manifestations of Inequality Based on Use of the Belarusian Language*

The Belarusian language was only standardised in the first three decades of the twentieth century. Despite the official policy of Belarusification in the 1920s and again in the early 1990s, for various historical reasons Belarusian is not the dominant language in the cities, with Russian and a Russian-Belarusian hybrid more widely used. Belarusian and Russian are not used equally in education, particularly in higher education, or in the provision of goods and services. This results in limited opportunities for ethnic Belarusians who prefer to use the Belarusian language in public. Moreover, a preference for the Belarusian language can be associated with support for the political opposition, though the Constitution and legislation guarantee legal equality for both official languages.

### *The Problem of Gender Inequality (Women)*

Traditionalist attitudes continue to affect the status of women in Belarus in various areas of life. In the area of employment, women earn less than men on average. Women are under-represented in senior positions in most professions, except in the public sector, and are over-represented in the least-prestigious sectors of the economy. Belarusian women are generally well-educated, but the current imbalances in employment reflect the imbalances of the education system. Women's opportunities are limited by the unequal distribution of domestic work. The issue of domestic violence is of great concern. The Belarusian authorities have acknowledged problems of gender inequality and adopted a number of specific measures to address them.

### *Persons with Disabilities and People Living with HIV*

Persons with disabilities make up approximately 5% of the population. There is well-developed legislation providing social support for persons with disabilities; various positive measures are in place for their benefit and the benefit of other disadvantaged groups in the labour market. Among the issues that are in a process of being resolved, and where work is ongoing, is the accessibility of public infrastructure. In employment, there are difficulties in respect of reasonable accommodation in the workplace. People living with HIV face a distinct set of problems. They may face stigmatisation and discrimination, sometimes due to low levels of public awareness.

### *The LGBT Community*

Sexual relationships between women have never been criminalised in Belarus. Sex between men was decriminalised in 1994, while it was de-pathologised in 2002. The situation of the LGBT community is not well-researched; the majority of Belarusian people are intolerant towards LGBT persons. There are examples of physical and psychological violence against members of this community, who may also experience additional difficulties in accessing goods and services. There are difficulties concerning equal enjoyment of the rights to freedom of assembly and association.

### *Inequality on the Basis of Political Opinion*

As a result of their political opinions, political and social activists in Belarus are exposed to disadvantages when participating in employment, business, education (especially higher education) and in relation to their artistic creativity. Given the relatively high levels of popular support for the Belarusian regime, ordinary citizens may also act as discriminators. To date, persons with political opinions opposing the regime have not been the subject of sufficient quantitative sociological research.

Realisation of the principles of equality and non-discrimination in Belarus is also significantly influenced by other factors, including poverty and lack of citizenship.

## **3. Legislation, State Policies and Judicial Practice Related to Equality and Non-discrimination**

This part examines the legal and practical aspects of implementation of the principles of equality and non-discrimination in Belarus.

### *International Legal Obligations*

Belarus is a party to the main UN conventions which contain provisions aimed at combating inequality and discrimination. It has ratified or acceded to, inter alia, the following treaties: the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and

Cultural Rights (1966), the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the Convention on Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), the UNESCO Convention against Discrimination in Education (1960) and ILO Convention No 111 concerning Discrimination in Respect of Employment and Occupation (1958). No reservations or declarations relevant to the subject of this report have been made to these treaties. In addition, Belarus has made a number of commitments in the framework of the CIS (a number of human rights conventions) and the OSCE. Provisions of international treaties form part of Belarusian national legislation. Belarus recognises some of the procedures providing for individual complaints to international bodies, such as to the UN Human Rights Committee.

### *National Law*

Article 22 of the Constitution of Belarus contains the principle of equality before the law. The same article provides the right to equal protection of rights and legitimate interests without any discrimination. The Constitution has direct effect, such that its provisions may be applied by the courts. The Constitutional Court of the Republic of Belarus has repeatedly been progressive in its interpretation of the articles of the Constitution in the context of inequality and discrimination. However, there is no specific anti-discrimination legislation, and there are no plans to adopt such legislation. Nonetheless, several Belarusian laws contain general provisions on equality and non-discrimination. In criminal law, there are provisions which can be relied upon in addressing hate crime. The most detailed non-discrimination provisions are found in employment legislation. Unfortunately, the list of prohibited grounds in this legislation is closed, which limits the protection from discrimination which is available on some grounds, such as age and sexual orientation. Belarusian employment legislation provides for a number of positive measures for the benefit of disadvantaged groups, which are actively implemented in practice. Civil law provides for compensation for moral damage in connection with a violation of the rights to equality and non-discrimination. There are no special procedural rights or guarantees in judicial proceedings on discrimination in the legal system.

### *State Policies*

The only specific policy aimed at achieving equality and equal treatment in Belarus concerns women. The fourth national plan of action on gender equality for 2011–2015 is currently being implemented. The state implements annual programmes to promote the employment of disadvantaged social groups. A comprehensive programme for the development of social services for 2011–2015 includes a sub-programme entitled Prevention of Disability and Rehabilitation of Persons with Disabilities. A State Programme for the Creation of a Barrier-Free Living Environment for Physically Impaired Persons for 2011–2015 is also being implemented. In the area of ethnic relations and religion, there is a Development Programme on Religious Matters, National Relations and Cooperation with Expatriates for 2011–2015. Generally, all state programmes are implemented in practice and result in benefits in the promotion of equality and non-discrimination.

### *Judicial Practice*

The Constitutional Court of the Republic of Belarus has considered some cases on equality and non-discrimination; this report gives a detailed review of three of them. In 1994, the Court declared unconstitutional the dismissal of an employee because they had reached a certain age. However, in 2001, in a similar case involving public servants, the relevant provision was found to be constitutional. In 2011, the court found that a provision that a father could take parental leave only if the mother worked under an employment contract – as opposed to being self-employed – violated the principle of equality. Through review of examples, the report illustrates the poor performance of the ordinary Belarusian courts in deciding cases of discrimination.

## **4. Conclusion and Recommendations**

The last part of the report summarises the findings and conclusions. On this basis, the report formulates general recommendations to the Belarusian authorities, together with recommendations on specific issues, including: freedom of conscience and religion, ethnic and language groups, gender equality, persons with disabilities, people living with HIV, the LGBT community and persons with political opinions opposing the regime.



## **A list of all recommendations follows:**

### *General Recommendations*

- Adopt a specific and comprehensive equality law. This law should: define direct and indirect discrimination on the basis of an open-ended list of grounds; define harassment; and provide for positive action. The law should also contain procedural safeguards relating to proof of discrimination, primarily shifting the burden of proof to the defendant. The law should clearly establish the right of a discriminated person to compensation for moral damages resulting from acts of discrimination. The law should also provide for the establishment of a specialised independent body, which should provide support to victims of discrimination.
- Promote the application of international agreements, including those that contain non-discrimination provisions and standards, in judicial, administrative and law enforcement practice. Provide specialised training for judges, other representatives of the legal profession and civil servants to improve their competence in the application of the rights to equality and non-discrimination.
- Audit, and where necessary remove, restrictions in legislation related to freedom of religion, association, expression and assembly. Remove the prohibition on the activities of unregistered civil society associations and religious organisations and decriminalise activities undertaken on behalf of unregistered organisations.
- Promote education on equality and non-discrimination for politicians, journalists and the executive authorities. This education should be based

on the notion that equal, free, and democratic participation of disadvantaged groups in political and public life is one of the necessary conditions for the full implementation of the international obligations of Belarus.

- Mainstream gender equality in state policy in Belarus.
- Include education on the principles of equality and non-discrimination on different grounds in the higher and secondary education curriculum.
- Implement a targeted policy to increase public tolerance towards social groups which are particularly exposed to discrimination and disadvantage.
- Ensure equal access of citizens and non-citizens of the Republic of Belarus to civil, economic, social and cultural rights, particularly in the areas of employment, social security and access to public services.
- Continue efforts to eliminate poverty, paying particular attention to the situation of children, single parents and the rural population.

### *Freedom of Conscience and Religion*

- Simplify the registration procedure for religious communities and associations.
- Remove prohibitions on the performance of religious activities outside religious buildings or outside the place of registration, and eliminate barriers to the work of foreign clerics.

- Provide public funding to alleviate the shortage of Jewish religious buildings and religious buildings for the use of new religious movements.
- Provide for the possibility of alternatives to military service for conscientious objectors and decriminalise the refusal to serve in the armed forces on religious grounds.

### *National (Ethnic) and Linguistic Groups*

- Delete the criterion of citizenship from the official definition of “national minority”.
- Ensure non-interference of the state in the internal affairs of civil society associations of national minorities.
- Prioritise the fight against anti-Semitism, xenophobia and intolerance.
- Take decisive steps to eradicate systemic discrimination against the Roma. Ensure equality for the Roma in the enjoyment of human rights in all spheres of life, including through the adoption of positive measures aimed at eliminating negative stereotypes.
- Prohibit the practice of ethnic profiling of visible minorities and provide suitable training for law enforcement bodies.
- Take targeted measures towards the integration of the Roma in Belarusian society, especially in the areas of education and employment, while paying particular attention to the preservation of their cultural identity.

- Continue supporting civil society associations of national minorities and providing education in national minority and foreign languages in different forms. Guarantee the right to education in minority languages at all levels, where requested by representatives of national minorities.
- Ensure substantive equality of Belarusian- and Russian-speakers through legislation and practice, especially in the field of education and in access to goods and services. Provide comprehensive support to the use of the Belarusian language and the languages of national minorities in public.
- Provide opportunities for the use of minority languages in contacts with the authorities in areas where there is a concentration of people speaking such languages. Provide a right to public signage and information in minority languages.

### *Gender Equality*

- Adopt a law on prevention of domestic violence, which should provide the rights of victims to assistance, protection and remedies. Organise compulsory training for judges, prosecutors and police officers on issues of law enforcement related to violence and discrimination against women, and train police officers in standard procedures for handling cases of violence against women. Increase the availability of shelters for victims of violence; expand cooperation between the state and civil society organisations that provide shelter and rehabilitation services to victims.
- Abolish any discrimination against women in access to educational institutions in Belarus.

- Intensify efforts to diversify the choice of education and training for men and women and take additional measures to promote equal choice of non-traditional subjects, disciplines and professions for men and women.
- Identify the causes of, and take appropriate steps to eliminate, the difference in pay for equal work between men and women.
- Take targeted measures to achieve adequate representation of women in senior positions in all areas of employment.
- Actively counteract social stereotypes regarding the distribution of household responsibilities between family members.

*Persons with Disabilities and People Living with HIV*

- Continue efforts to create a barrier-free environment for persons with disabilities.
- Achieve greater participation of person with disabilities in employment and eliminate existing barriers to participation in the labour market.
- Abolish discriminatory provisions contained in the Law on the Prevention of Spread of Diseases that Pose a Risk to Public Health and of the Human Immunodeficiency Virus. Ensure personal data protection for people living with HIV.
- In cooperation with civil society organisations, provide education for government officials and health, social services and education professionals who come into contact with people living with

HIV or members of their families. Raise the awareness of these groups on human rights.

### *The LGBT Community*

- Prohibit discrimination based on sexual orientation and gender identity in all areas of life, including in particular employment and access to goods and services.
- Ensure that motivation of hate based on sexual orientation or gender identity is an aggravating circumstance in the commission of criminal or administrative offences.
- Provide training for law enforcement bodies on working with LGBT persons and the investigation of crimes and offences motivated by hatred of the LGBT community.
- Respect the right of LGBT persons to freedom of assembly and freedom of association.
- Implement programmes to assist LGBT persons in the defence of their rights and provide psychological support them, their families, friends and colleagues. Support non-governmental organisations involved in promotion of the rights of LGBT persons.

### *Discrimination on the Basis of Political Opinion*

- In addition to provisions in the Criminal Code and the Labour Code, prohibit discrimination on the basis of political opinion in other areas of life, especially in access to goods and services, including public services.

- Monitor the effectiveness of the provisions on non-discrimination against people who hold political opinions opposing the regime in employment and education, and take such measures as are necessary to eliminate discriminatory practices.



The Equal Rights Trust (ERT) is an independent international organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice.

The Belarusian Helsinki Committee (BHC) is an autonomous, independent, non-profit human rights public association established for the implementation of humanitarian activities in the territory of the Republic of Belarus. It operates through self-governance and unites citizens of Belarus on the basis of their common interests. It is independent from government, business bodies, political and non-governmental organisations.

The last dictatorship in Europe or a state for the people and a model of tolerance? This report – the first ever comprehensive portrayal of discrimination and inequality in Belarus – reveals a complex picture. The repressive nature of the Belarusian regime is well-known. Accordingly, this report finds significant evidence of discrimination on grounds of religion, ethnicity, language and political opinion, against those associated with heterodox views of the country's future. Yet it also finds evidence of a range of progressive policies aimed at accelerating progress towards equality for women, disabled persons, and other groups traditionally exposed to discrimination. Thus, the report challenges some of the well-rehearsed stereotypes about today's Belarus, while also asking how far it is possible to achieve equality in a country where respect for fundamental rights is limited.



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