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## The Equal Rights Trust

Suggested issues and questions to be adopted at the 63<sup>rd</sup> session  
of the Committee on the Elimination of Discrimination against Women  
in relation to the

Eighth periodic report submitted by:

**Belarus**

June 2015

### Statement of Interest

1. The Equal Rights Trust submits the following suggested issues and questions for adoption by the Committee on the Elimination of Discrimination against Women (the Committee) at its 63<sup>rd</sup> session, prior to the submission of the eighth periodic report by Belarus.
2. The Equal Rights Trust 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, it focuses on the complex relationship between different types of discrimination and inequality, developing strategies for translating the principles of equality into practice.
3. The Trust has been actively involved in promoting improved protection from discrimination in Belarus since 2010. Working in partnership with the Belarusian Helsinki Committee (BHC), we have trained, supported and consulted with civil society organisations from across the country, increasing their capacity to promote equality and combat discrimination. In the course of this work, we have undertaken research on patterns of discrimination and inequality in Belarus and on the legal and policy framework in place to prevent discrimination and promote equality. In 2013, we published the findings of this research in a major report, *Half an Hour to Spring: Addressing Discrimination and Inequality in Belarus*, which informs the present submission.<sup>1</sup>
4. This submission focuses on the extent to which Belarus has met its obligations to respect, protect and fulfil the right of women to non-discrimination. In particular, the submission is concerned with Belarus' performance under Articles 2(a) and (b) of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). In assessing Belarus' adherence to its obligations under Articles 2(a) and (b), the submission relies on the interpretation of these provisions which has been provided by the Committee in its General Recommendation No. 28.<sup>2</sup>

<sup>1</sup> Equal Rights Trust, *Half an Hour to Spring: Addressing Discrimination and Inequality in Belarus*, 2013 available at: [www.equalrightstrust.org/ertdocumentbank/belarus%20cr\\_russian\\_4web.pdf](http://www.equalrightstrust.org/ertdocumentbank/belarus%20cr_russian_4web.pdf) (in Russian).

<sup>2</sup> Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 28 on the core obligations of States parties under article 2*, UN Doc. CEDAW/C/GC/28, 2010.

5. The submission also relies upon the Declaration of Principles on Equality (the Declaration),<sup>3</sup> a document of international best practice on equality. The Declaration was drafted and adopted in 2008 by 128 prominent human rights and equality advocates and experts, and has been described as “the current international understanding of Principles on Equality”.<sup>4</sup> It has also been endorsed by the Parliamentary Assembly of the Council of Europe.<sup>5</sup>
6. The submission begins by examining deficiencies and gaps within the existing legislative framework in Belarus, together with problems in the implementation and enforcement of relevant laws, such that Belarus falls short of the standards required under Article 2 of the Convention. It then summarises the evidence collected for our report on discrimination and inequality in Belarus, which

### **Article 2: Policy Measures**

7. Under Article 2(a) of the Convention, States Parties undertake to “condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”, to “embody the principle of the equality of men and women in their national constitutions or other appropriate legislation” and to ensure the realisation of equality between men and women through law or other appropriate means. Further, under Article 2(b), States Parties undertake to “adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women”.
8. The Committee, in its General Recommendation No. 28 on the Core Obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women (General Recommendation No. 28), has elaborated on the nature of states’ obligation arising under Article 2, stating that:

*Article 2 is crucial to the full implementation of the Convention since it identifies the nature of the general legal obligations of States parties. The obligations enshrined in article 2 are inextricably linked with all other substantive provisions of the Convention, as States parties have the obligation to ensure that all the rights enshrined in the Convention are fully respected at the national level.*<sup>6</sup>

9. The Committee has further confirmed that the obligation on state parties under Article 2 has three elements. States are required to *respect* the right to non-discrimination by refraining from “making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights”;<sup>7</sup> to *protect* the right by “protect[ing] women from discrimination by private actors and tak[ing] steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes”;<sup>8</sup> and to *fulfil* the right by adopting a “wide variety of steps to ensure that women and men enjoy equal rights de jure and de facto, including, where appropriate, the adoption of temporary

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<sup>3</sup> *Declaration of Principles on Equality*, The Equal Rights Trust, London, 2008.

<sup>4</sup> *Naz Foundation v Government of NCT of Delhi and Others* WP(C) No. 7455/2001, Para 93.

<sup>5</sup> Parliamentary Assembly of the Council of Europe, *Resolution and Recommendation: The Declaration of Principles on Equality and activities of the Council of Europe*, REC 1986 (2011), 25 November 2011, available at: [http://assembly.coe.int/ASP/Doc/ATListingDetails\\_E.asp?ATID=11380](http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11380).

<sup>6</sup> See above, note 2, Para 6.

<sup>7</sup> *Ibid.*, Para 9.

<sup>8</sup> *Ibid.*

special measures”.<sup>9</sup>

10. Protection from discrimination on grounds of sex in Belarus is provided by both the Constitution and other provisions in specific laws. Article 22 of the Constitution of the Republic of Belarus establishes a general right to equality and non-discrimination, though one which is somewhat vague in its definition of prohibited conduct and its material scope. It states that:

*All shall be equal before the law and have the right to equal protection of their rights and legitimate interests without any discrimination.*<sup>10</sup>

11. Other than Article 22, the most important provision on equality for women in the Constitution is Article 32, which provides *inter alia* that:

*Spouses shall have equal rights in family relationships (...) Women shall be guaranteed equal rights with men in their opportunities to receive education and vocational training, promotion in labour, social and political, cultural and other spheres of activity as well as in creating conditions safeguarding their occupational safety and health.*<sup>11</sup>

12. Furthermore, Article 42 of the Constitution provides a right to equal pay, stating that “[w]omen and men, adults and minors shall have the right to equal remuneration for work of equal value”.<sup>12</sup> This provision discharges, in part, the obligation to ensure equal remuneration for men and women, which arises under Article 11(1)(d) of the Convention.

13. There is no specific legislation on discrimination against women in Belarus, nor is there any comprehensive anti-discrimination law. Instead, there are a number of provisions providing for limited equality rights in various different pieces of legislation. In the absence of specific or comprehensive anti-discrimination legislation, the strongest protections from discrimination in the Ukrainian legal system are found in criminal and employment law.

14. While Article 190 of the **Criminal Code** does not use the term “discrimination”, it does establish liability for “violation of the equality of citizens”. The Article prohibits the deliberate direct or indirect violation or limitation of rights and freedoms and the introduction of direct or indirect privileges which result in essential harm to the rights, freedoms and legitimate interests of citizens. “Citizen” is understood in the Article as referring to all people. The Article lists a number of grounds: sex, race, ethnicity, language, origin, property or official status, place of residence, relation to the religion, beliefs, and membership in civil society associations. This closed and limited list of characteristics – which omits age, disability, gender identity and sexual orientation – is a cause for concern. The Committee has noted that eliminating all forms of discrimination against women requires prohibition of discrimination on grounds other than sex and gender, where these give rise to intersectional discrimination. In its General Comment 28, the Committee noted that:

*The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men. States parties*

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<sup>9</sup> *Ibid.*

<sup>10</sup> Constitution of the Republic of Belarus, Article 22.

<sup>11</sup> Constitution of the Republic of Belarus, Article 32.

<sup>12</sup> Constitution of the Republic of Belarus, Article 42.

*must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned.*<sup>13</sup>

15. Violations of Article 190 of the Criminal Code are punishable by a fine, corrective labour, restriction of liberty or imprisonment for up to two years, or deprivation of the right to hold certain posts or to be involved in certain activities. As a criminal provision, Article 190 is formulated in such a way that it is necessary to prove intent. The Article also requires a claimant to prove the existence of "essential or significant harm", a concept which is not defined either the Article itself, or elsewhere in the Code.<sup>14</sup> While these limitations are largely understandable in the context of criminal legislation, in the absence of other legislative provisions prohibiting discrimination outside the sphere of employment, they place severe limitations on the scope of the right to non-discrimination.
16. Article 14 of the **Labour Code** prohibits direct discrimination in respect of employment; it defines discrimination as follows:

*[R]estrictions on labour rights or receiving any benefits based on sex, race, ethnic origin, language, religion or political belief, participation or non-participation in trade unions or other voluntary associations, property or official status, physical or mental disabilities that do not hinder the fulfilment of labour obligations.*
17. The definition is limited in a number of senses. The protection is limited to direct discrimination and defined only in relation to the enjoyment of labour rights or benefits. In addition, the list of prohibited grounds for discrimination is closed and, like Article 190 of the Criminal Code, omits certain grounds which are well-recognised at international law.
18. Article 14 provides that distinctions, exclusions, preferences or limitations will not be considered discrimination if they are: (1) based on the inherent requirements the job; or (2) required to provide special care to persons in need of social and legal protection (defined as women, children, persons with disabilities, persons affected by the Chernobyl disaster, etc.). In addition to prohibiting discrimination in the area of labour rights and benefits, Article 14 also provides that any discriminatory provisions in collective bargaining agreements are void. Article 23 states that any discriminatory provisions in employment contracts are void.
19. In addition to these protections, Article 6 of the **Law on State Service of the Republic of Belarus**<sup>15</sup> (2003) refers to the principles of civil service, stating that there should be equal access to any post and to promotion in the public service, in accordance with the abilities, professional knowledge and education of candidates. Article 199 of the Criminal Code creates an offence of unreasonably refusing to hire or dismissing a woman because she is pregnant, together with evidently unfair dismissal from her work. This meets the obligation to prohibit dismissal on grounds of pregnancy, which arises under Article 11(2)(a) of the Convention.
20. Outside of criminal or employment law, there are a handful of other equality provisions which are relevant to the protection of women from discrimination. The **Education Code** does not

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<sup>13</sup> See above, note 2, Para 18.

<sup>14</sup> Resolution of the Plenum of the Supreme Court (2004) in the context of judicial practice in cases of crimes against the interests of the service says that "substantial harm can be in violation of the constitutional rights and freedoms of citizens, undermining the authority of the government, state, civil society and other organizations, in violation of public order" (р. 19). Постановление Пленума Верховного Суда Республики Беларусь от 16 декабря 2004 года № 12 «О судебной практике по делам о преступлениях против интересов службы (ст.ст. 424-428 УК)», available at: <http://www.supcourt.by>.

<sup>15</sup> Закон Республики Беларусь от 14 июня 2003 года № 204-З «О государственной службе в Республике Беларусь».

specifically use the term "discrimination", but ensuring equal access to education features among the principles of the state education policy.<sup>16</sup> Article 20-1 of the **Code on Marriage and Family** states that decisions within a marriage and family should be by mutual agreement and on the basis of equality and that family relationships should be based on mutual respect and sharing of family responsibilities.<sup>17</sup> Article 76 of the Code establishes equality of parental rights and responsibilities. The **Law on Children's Rights** proclaims the equal rights of every child, regardless of origin, racial, ethnic and civil identity, social and property status, sex, language, education, relation to the religion, place of residence, state of health and other factors connected with the child and his or her parents.<sup>18</sup>

21. The Equal Rights Trust is concerned that, beyond the limited and declarative non-discrimination provisions listed above, Belarus has no effective legal framework providing protection from discrimination. The Committee,<sup>19</sup> other treaty bodies such as the Committee on Economic, Social and Cultural Rights,<sup>20</sup> and the authors and signatories of the Declaration of Principles on Equality,<sup>21</sup> have all recognised that in order to provide effective protection from discrimination, states must adopt specific anti-discrimination legislation.
22. Belarus has neither a comprehensive equality law, nor specific legislation prohibiting discrimination against women and requiring the promotion of gender equality. In our view, the protections provided in the Constitution and the various Laws listed above – even if amended to address numerous inconsistencies with Belarus' international legal obligations – will not be sufficient to discharge the obligation elaborated by the Committee in its General Recommendation 28.
23. To make the right to non-discrimination effective in practice, specific, detailed and comprehensive legislation<sup>22</sup> is necessary to define and prohibit all of the different forms of discrimination which fall within the scope of Article 2 of the Convention, as elaborated by the Committee. The Committee has recognised that states have an obligation to eliminate both direct discrimination and indirect discrimination.<sup>23</sup> In addition to prohibiting these forms of discrimination, equality legislation should prohibit harassment and failure to make reasonable accommodation as form of discrimination.<sup>24</sup>
24. The Committee has recognised that "[i]ntersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2".<sup>25</sup> In order to provide

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<sup>16</sup> Кодекс Республики Беларусь об образовании от 13 января 2011 года № 243-3.

<sup>17</sup> Кодекс о браке и семье Республики Беларусь от 9 июля 1999 года № 278-3.

<sup>18</sup> Закон Республики Беларусь от 19 ноября 1993 года № 2570-XII «О правах ребенка».

<sup>19</sup> See above, note 1, Para 37.

<sup>20</sup> See above, note 2, Committee on the Elimination of All Forms of Discrimination Against Women, *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 2010, Para 31.

<sup>21</sup> See above, note 3, Principle 15, p. 12.

<sup>22</sup> The Declaration of Principles in Equality contains a principle on specificity of equality legislation, according to which "The realisation of the right to equality requires the adoption of equality laws and policies that are comprehensive and sufficiently detailed and specific to encompass the different forms and manifestations of discrimination and disadvantage." See above, note 3, Principle 15.

<sup>23</sup> See above, note 2, Para 16.

<sup>24</sup> See above, note 3, Principles 5 and 13, pp. 6-7 and 10-11.

effective protection for women from all forms of intersectional discrimination, equality legislation must prohibit discrimination on an extensive list of grounds, to reflect current international practice in respect of the personal scope of the right to non-discrimination.<sup>26</sup> The list of grounds should be open-ended, or there should be the possibility to admit new grounds to the list through evaluation against criteria set down in law.<sup>27</sup> It must also specifically define and prohibit multiple discrimination.<sup>28</sup> Moreover, such legislation should explicitly prohibit discrimination on the basis of perception and association.<sup>29</sup>

25. To be comprehensive, equality legislation must apply to both state and non-state actors<sup>30</sup> and in all areas of life regulated by law.<sup>31</sup> Importantly, equality legislation should define positive action as a necessary component of the right to equality, and an obligation arising wherever required to accelerate progress towards equality of particular groups.
26. In the absence of specific and comprehensive equality legislation, provisions to ensure access to justice, such as provisions for the transfer of the burden of proof in civil cases and measures to ensure standing by associations or other interested parties, which are necessary for the effective protection of the right to equality, are absent from the legislative framework. These procedural elements, which are crucial if victims of discrimination are to be able to realise their rights in practice, should be explicitly set down in equality legislation. The Declaration of Principles on Equality provides a clear guide to best practice in this area, which we would recommend as a guide to how Belarus can effectively meet its obligations in this regard.<sup>32</sup>

### Suggested Questions

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<sup>25</sup> See above, note 2, Para 18.

<sup>26</sup> See above, note 3: Principle 5 of the Declaration of Principles on Equality sets out an extensive list of grounds of discrimination, each of which has been recognised in one or more international instrument, or by Treaty Bodies: “Discrimination must be prohibited where it is on grounds of race, colour, ethnicity, descent, sex, pregnancy, maternity, civil, family or carer status, language, religion or belief, political or other opinion, birth, national or social origin, nationality, economic status, association with a national minority, sexual orientation, gender identity, age, disability, health status, genetic or other predisposition toward illness or a combination of any of these grounds, or on the basis of characteristics associated with any of these grounds”.

<sup>27</sup> See above, note 3: Principle 5 of the Declaration of Principles on Equality sets out a test to establish the admission of new grounds: “Discrimination based on any other ground must be prohibited where such discrimination (i) causes or perpetuates systemic disadvantage; (ii) undermines human dignity; or (iii) adversely affects the equal enjoyment of a person’s rights and freedoms in a serious manner that is comparable to discrimination on the prohibited grounds stated above”. This approach reflects that of the principal anti-discrimination legislation in South Africa, the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000) which provides both a list of explicitly prohibited grounds and a condition that further grounds are to be prohibited if one of the three criteria listed above is met.

<sup>28</sup> See above, note 3, Principle 12, p. 10.

<sup>29</sup> See above, note 3, Principle 5, pp. 6-7.

<sup>30</sup> See above, note 2, Para 17.

<sup>31</sup> See above, note 2, Para 31. See also: Principle 8 of the Declaration of Principles on Equality, which defines the scope of the right to equality as “all areas of activity regulated by law”.

<sup>32</sup> See above, note 3, Principle 18 (Access to Justice), Principle 21 (Evidence and Proof), Principle 20 (Standing), and Principle 22 (Remedies and Sanctions).

- What plans, if any, does the state party have to introduce specific or comprehensive equality legislation which prohibits all forms of discrimination against women, including intersectional discrimination?
- What assessment has the state party made of the effectiveness Article 190 of the Criminal Code in eliminating discrimination against women? How many cases have been brought by women under Article 190 of the Code and what remedies, aside from compensation, are courts able to provide?
- What assessment has the state party made of the effectiveness of Article 14 of the Labour Code, which prohibits discrimination in the enjoyment of labour rights, in eliminating discrimination against women in employment? How many cases have been brought under Article 12 of the Code and what remedies, aside from compensation, are courts able to provide?
- What legislation, if any, exists to protect individuals from discrimination in the enjoyment of economic, social and cultural rights other than the rights to work and to just and favourable conditions of work?

### **Discrimination in Practice**

#### **Article 1: Violence against Women**

27. In its General Recommendation 19, the Committee recognised that the definition of discrimination in Article 1 of the Convention “includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately”.<sup>33</sup> In its previous review of Belarus in 2011, the Committee expressed its grave concerns at the persistence of violence against women in Belarus, particularly in connection with domestic and sexual violence, underreporting of such cases, the large number of women killed as a result of domestic violence, and the lack of prosecutions for acts of violence within the family.<sup>34</sup> Our research found evidence that such problems have continued in the period since the Committee last reviewed Belarus.

28. For example, a female focus group participant stated to Equal Rights Trust researchers that:

*My ex-partner hit my head against the wall. (...) When I went to the hospital after a while to get the X-ray photograph of the head, the woman who had examined me, (...) after hearing my story, said it was a common thing, and I should be glad I got off with this so easily. And anyway, it was probably my fault.<sup>35</sup>*

29. Moreover, there are grounds for concern that cases of domestic violence continue to be under-reported. Another focus group participant told our researchers that:

*I did not want to go out; I was ashamed to show up. (...) I was ashamed to go out with bruises on my face; I did not make any appeals, because this situation was very unpleasant to me.<sup>36</sup>*

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<sup>33</sup> Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19: Violence against women*, 1992, U.N. Doc. A/47/38, Para 6.

<sup>34</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women: Belarus*, CEDAW/C/BLR/CO/7, 4 February 2011, Paragraph 19.

<sup>35</sup> Equal Rights Trust, Focus Group with 12 women, 8 December 2011, Minsk.

<sup>36</sup> *Ibid.*

### Suggested Questions

- What steps, if any, has the state party taken to prevent violence against women? What assessment has the state party made of the effectiveness of these measures?
- What steps has the state party taken to improve reporting of cases of domestic violence? What steps has the state party taken to increase the number of successful prosecutions for domestic violence?

### Article 10: Discrimination in Education

30. Under Article 10 of the Convention, Belarus has an obligation to eliminate discrimination against women and ensure equal rights in education between women and men, including, *inter alia*, through eliminating gender stereotypes. Women in Belarus are generally educated to a higher level than men: in 2012, women constituted 57.7% of those in higher and postgraduate education, and a bare majority (50.2%) of those in specialised secondary education.<sup>37</sup> However, women are overrepresented in certain subject areas, and underrepresented in others, something which then limits women's freedom of choice in employment. The most predominantly "female" areas of education are the humanitarian and social sciences. Statistics from higher educational establishments in 2012-13 indicate that women dominated in subjects such as social protection (where 92.1% of all students were female), environmental protection (83.1%), public catering, hotel and personal services (79.3%). In subjects such as technology, economics, management, architecture and construction however, men dominated, with women constituting a third or less of the student body.<sup>38</sup>
31. Indeed, the means by which education is provided can, in fact, replicate gender inequalities in society, and gender stereotypes can be fixed at school, where textbooks and materials reflect existing gender imbalances.<sup>39</sup> Thus, the Committee on the Rights of the Child has recommended that Belarus should strengthen the fight against sexist and racist attitudes and behaviour in education.<sup>40</sup>
32. Direct and indirect sex discrimination is also reflected in the maintenance of special educational institutions which are based on the principle of separating students. For example, the Code of Education sets down the characteristics of Suvorov schools, which recruit only boys in order to provide a military- and sports-focused education.<sup>41</sup>

### Suggested Questions

- What steps, if any, has the state party taken to eliminate stereotypes and informal sex segregation in education? What assessment has the state party made of the effectiveness of these measures?

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<sup>37</sup> *Women and Men in the Republic of Belarus. Statistical Book*, Minsk: National Statistical Committee of the Republic of Belarus, 2013, Table 5.3.

<sup>38</sup> *Ibis*, Table 5.5.

<sup>39</sup> See for example: Коновальчик, Е., *Воспитание гендерной культуры учащихся*, Минск: Нац. ин-т образования, 2008.

<sup>40</sup> Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Belarus*, CRC/C/BLR/CO/3-4, 2011, Paragraph 28.

<sup>41</sup> Education Act, Article 159(7): "Suvorov schools admit minor citizens of the Republic of Belarus, of male gender, which are not younger than 12 years as of 1 September of the school year (but not older than thirteen) and who have completed training in class VII at the II stage of secondary education".



- What assessment has the state party made of the link between horizontal segregation in education and women's ability to freely choose their employment and to participate in the labour market on an equal basis with men?

### **Article 11: Discrimination in Employment**

33. Belarus has an obligation under Article 11 of the Convention to “take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights”. As noted above, the Labour Code and other laws provide a number of protections to ensure that women do not experience discrimination in employment. However, our research found evidence of continuing inequalities in remuneration, vertical and horizontal segregation in the labour market and discriminatory practices in employment.
34. There is a wage gap between men and women in Belarus in all sectors of the economy. In December 2009, the ratio of women's average wages to men's wages was 74.5% (4,019,900 Belarusian roubles for women and 5,397,700 roubles for men).<sup>42</sup> Evidence reviewed for our report indicates that the wage gap between men and women is linked to a number of other factors, such as the concentration of women in low-paying jobs, the fact that fewer women occupy senior positions and the expectation that women will combine work with domestic responsibilities.
35. There is also evidence of segregation between “male” and “female” fields of employment. While 50.1% of men work in industry and construction, only 26.7% of women work in this field; 65.3% of women work in the service sector, compared with just 35.1% of men.<sup>43</sup> A example of a typical “female” sector of the economy is public health. In 2009, women accounted for 95.5% of nursing staff.<sup>44</sup> Women also represented 67.1% of all physicians, though they were less represented at the highest levels.<sup>45</sup> Factors such as this help to explain the fact that in such industries as health care, physical culture and social security women's average salaries at the end of 2009 amounted to 794,600 Belarusian roubles and men's to 1,281,300.<sup>46</sup> It is also noteworthy that the women working in these sectors receive a lower average wage than in the economy as a whole – indicating that women dominate in less well-remunerated fields of employment. Another factor noted by experts as contributing to women's lower pay relates to the payment of bonuses to basic salaries, which often represent a large part of total remuneration. As the value of bonuses is generally determined on a subjective, case-by-case basis, there is ample scope for gender stereotypes (for example, that men will be the breadwinners of the family and so need a higher income) to play a role in decision-making.<sup>47</sup>
36. Another example of segregation in the employment market is the police, where stereotypes indicate that the role of police officer is connected with masculinity and that law-enforcement officials should have physical characteristics of a man. This leads to open discrimination against women in access to specialised education and supports gender segregation in the field of law enforcement. An examination of enrolment to the Academy of the Ministry of Internal Affairs of the

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<sup>42</sup> See above, note 37, Table 4.17

<sup>43</sup> *Ibid.* Table 4.6

<sup>44</sup> *Women and Men in the Republic of Belarus. Statistical Book*, Minsk: National Statistical Committee of the Republic of Belarus, 2010, Table 2.20

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*, Table 4.20.

<sup>47</sup> Петина, Л., Тонкачева, Е., Смолянко, О., Сержан, Т., Ефимова, Н., Еськова, Е., *Альтернативный отчет Республики Беларусь по выполнению Конвенции о ликвидации всех форм дискриминации в отношении женщин. Обзор 2009 года*, Международная гендерная программа «Шаг к равенству», С. 12, available at: [http://gender.do.am/publ/alternativnyj\\_otchjot\\_respubliki\\_bielarus/4-1-0-164](http://gender.do.am/publ/alternativnyj_otchjot_respubliki_bielarus/4-1-0-164).

Republic of Belarus illustrates the impact which these stereotypes can have: in 2010, 1,367 candidates applied to the Academy, and a total of 627 people were enrolled, just 5% of whom were women.<sup>48</sup>

37. There is also evidence of significant de facto inequality in the seniority of men and women, even in sectors where women represent more than half the workforce. As of 1 November 2009, women accounted for 67.4% of employees in state administration bodies, while the figure was 74.0% within judicial and legal institutions. Yet women made up just 19.6% of heads and deputy heads of such bodies. It should be noted that women were better represented at the next level down, though even here, women's position was not reflective of their numbers across the sector: amongst heads and deputy heads of the major departments, divisions, sections, and assistants of organisation heads, advisors and consultants, the figure was 49.8%.<sup>49</sup>
38. The status of women in the labour market is affected by gender discrimination in the workplace, including in respect of decisions on career advancement and dismissal. For example, while the Labour Code prohibits denial of employment contracts to women or reduction in pay on grounds of pregnancy or having children under the age of three,<sup>50</sup> our research found examples of such practices. A member of a focus group of women reported the following to the Trust's researchers:

*I qualified as a clinical psychologist. I was looking for a job in schools or in-day care centres. I don't remember how many times I was interviewed, probably about ten times. Within two months, every week I went for a job interview. And everywhere I was refused. But every time the reason for the refusal was either my lack of experience or the employer's fear that I'll get married, get pregnant and go on maternity leave. During each interview the first question was about my marital status, and my plans of getting married and having children. I said that I had no plans of the kind. And this was where all the fun began: "You all say so". After that, I just didn't not know what to say, how to convince the employer.<sup>51</sup>*

39. More broadly, achieving gender equality in employment is impossible without the eradication of patriarchal stereotypes of the family. According to the findings of O. Ciareščanka (O. Tereshchenko):

*Traditional views of women's place in the family and in society and an underestimation of the value of women's work in their formal employment leads to an unequal distribution of unpaid domestic labour, which creates benefits for men and reduces the competitiveness in the labour market for women.<sup>52</sup>*

### Suggested Questions

- Beyond the relevant provisions in the Constitution and the Labour Code, what steps has the state party taken to eliminate the gender pay gap? What assessment has the state party made of the effectiveness of these measures?

<sup>48</sup> Академия Министерства внутренних дел Республики Беларусь, «Проходной балл, 2011 год, дневная форма получения образования», available at: <http://academy.mia.by>.

<sup>49</sup> See above, note 44, Table 4.13 and 4.14.

<sup>50</sup> Трудовой кодекс Республики Беларусь от 26 июля 1999 года № 296-3.

<sup>51</sup> Equal Rights Trust, Focus Group with 12 women, 9 November 2011, Viciebsk.

<sup>52</sup> Терещенко, О., *Гендерные аспекты бедности в белорусском обществе*, [С. 10], available at: [un.by/pdf/statistics/8/text2.doc](http://un.by/pdf/statistics/8/text2.doc). The article was written in 2005 for an UNDP project.

- What steps, if any, has the state party taken to eliminate stereotypes and informal sex segregation in education? What assessment has the state party made of the effectiveness of these measures?
- What assessment has the state party made of the link between horizontal segregation in education and women's ability to freely choose their employment and to participate in the labour market on an equal basis with men?
- Beyond the relevant provisions in the Criminal Code and Labour Code, what steps has the state party taken to prevent discrimination against women on the basis of actual or expected pregnancy? What assessment has the state party made of the effectiveness of these measures?