

- ▶ ensure that perpetrators of ill-treatment and unlawful use of weapons are prosecuted and punished and the victims compensated;
- ▶ provide appropriate instruction and training on the ban on torture and ill-treatment to all enforcement personnel, police and others involved in the custody or treatment of anyone arrested, detained or imprisoned;
- ▶ review laws and regulations related to pre-trial detention to ensure they comply with the ICCPR;
- ▶ abolish the use of punishment cells;
- ▶ take all appropriate measures to ensure that judges and lawyers are independent of any political or other external pressure and transfer to the courts competence to decide upon requests for and the legality of activities such as wire tapping and house searches;
- ▶ adopt at the earliest possible date the proposed law exempting conscientious objectors from compulsory military service and providing alternative civil service;
- ▶ take all necessary measures to remove restrictions on freedom of expression that are incompatible with article 19 of the Covenant;
- ▶ fully protect and guarantee the right to peaceful assembly and modify current restrictions to bring them into compliance with article 21 of the ICCPR;
- ▶ review without delay laws, regulations and administrative practices related to the registration of non-governmental organizations to facilitate their establishment and free operation;
- ▶ take steps to expedite the planned establishment of the Office of Ombudsman and ensure that the Office has effective powers to investigate complaints of human rights violations;
- ▶ ensure that information on the individual complaints procedure through the Optional Protocol is disseminated to the public at large and particularly among prisoners (including those on death row), other detainees and members of the legal profession; and,
- ▶ establish a mechanism to ensure the implementation of the views expressed by the Committee under the Optional Protocol to the Covenant.

Racial Discrimination

Signed: 7 March 1966; ratified: 8 April 1969.

Belarus's 15th periodic report is due 5 May 1998.

Reservations and Declarations: Paragraph 1 of article 17.

Belarus's 14th periodic report (CERD/C/299/Add.8) was considered at the March/April 1997 session of the Committee. The report prepared by the government includes demographic and statistic data as well as information on national minorities, the migration situation, measures taken to improve national legislation and practical steps taken to implement the Convention, including in the areas of education and teaching, culture and religion, health care and the mass media. Commentary on individual laws such as the Act on Public Associations and the Act on the Press and Other Mass Media as well as those on education, languages and

culture is included. The report also provides some information on the Coordinating Council for National Minorities.

The Committee's concluding observations and comments (CERD/C/304/Add.22) referred to factors that are obstacles to implementation of the Convention, including the profound economic and social changes resulting from the dissolution of the former Soviet Union and the massive inflow of immigrants and asylum-seekers.

The Committee welcomed a number of initiatives in Belarus, including: the establishment of a Coordinating Council for National Minorities within the Council of Ministers and a state committee on religious and national questions, as well as the forthcoming establishment of an Ombudsman's Office; the signing of the Commonwealth of Independent States (CIS) Convention concerning the Rights of Persons Belonging to National Minorities and the CIS Convention on Human Rights and Fundamental Freedoms in 1995; the detailed information provided in the government's report on the ethnic composition of the population; adoption in 1995 of an Act on Refugees which takes into account the provisions of the 1951 Convention relating to the Status of Refugees; and conclusion of bilateral agreements between Belarus and neighbouring countries to regulate migratory movements, as well as agreements with the CIS related to assistance to refugees and displaced persons. The Committee also welcomed the adoption of legislative measures to comply with the provisions of article 4 (racism and hate speech) including: the Act on the Press and Other Mass Media, which prohibits the use of mass media to incite national, social, racial or religious intolerance or discord; the Act on Political Parties, which prohibits the establishment and activities of parties whose aim is to carry out propaganda for national, religious or racial enmity; and, the Act on Public Associations, which prohibits the establishment of public associations which incite national, religious or racial enmity.

The Committee also noted positively the measures taken to incorporate into the school curricula courses on the purposes and principles of the UN Charter, the Universal Declaration and the principal international human rights instruments, including the Convention, and the development, in cooperation with the UNDP, of the "democracy, public administration and participation" project through which training in the field of human rights will be provided to jurists, law enforcement officials, teachers and educators.

Areas of concern identified by the Committee included: the lack of concrete information about the implementation of various laws relating to protection against racial discrimination; the lack of specific legislative provisions prohibiting racial discrimination by private groups or associations; the lack of information on the participation in public life of ethnic minorities and on their economic and social situation; the lack of clarity as to whether the Act on the Judicial System and the Status of Judges (1995) — under which the courts are required to protect social, economic and political rights and freedoms of individuals, regardless of origin, race, nationality or language — provides for the right to seek reparation or satisfaction for any damage suffered as a result of racial discrimination; the absence of cases of criminal proceedings for racial discrimination; and, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aimed at raising their awareness of problems related to racial discrimination.