

**Грамадскае аб'яднанне
"Беларуская асацыяцыя маладых
хрысціянскіх жанчын"**

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**Общественное объединение
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христианских женщин"**

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**[О предоставлении информации для
Универсального периодического обзора по правам человека]**

ОО «Белорусская ассоциация молодых христианских женщин» свидетельствует Вам свое уважение и благодарит за предоставленную возможность высказать свое мнение о выполнении правительством Республики Беларусь обязательств в области защиты прав человека в рамках подготовки к Универсальному периодическому обзору Совета ООН по правам человека.

Подготовленная ОО «БАМХЖ» информация основывается на результатах уставной деятельности ОО «БАМХЖ» в области защиты прав и законных интересов женщин Республики Беларусь в трех основных направлениях: продвижение гендерного равенства, предупреждение домашнего насилия и противодействие торговле людьми.

Также прилагаем копию письма с рекомендациями ОО «БАМХЖ» в адрес Министерства внутренних дел Республики Беларусь, которые обсуждались в ходе межведомственных консультаций по вопросу создания эффективного механизма оказания жертвам торговли людьми реабилитационной помощи.

При необходимости, ОО «БАМХЖ» может предоставить отчет о деятельности организации, который ежегодно составляется для Министерства юстиции Республики Беларусь.

Прилагаем информацию от ОО «БАМХЖ» на английском языке на 4 стр.

Executive summary

1. The written submission has been prepared by NGO "Young Women Christian Association of Belarus" (BYWCA) and provides a short overview over fulfilment of international obligations of the Republic of Belarus as a party to the following UN treaties: **the Convention on the Elimination of All Forms of Discrimination against Women, and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime.** The overview reflects the stage of affairs and recommendations in the following domains, which are the priority intervention areas for BYWCA: **ensuring gender equality and non-discrimination, addressing domestic violence, prevention of trafficking in human beings and developing System of State Social Contracting.**

2. BYWCA highly appreciates the efforts of the Government of the Republic of Belarus in addressing burning social problems of society. Yet, playing the role of "watch dog" BYWCA provides following recommendations to Belarusian State in order to improve promotion and protection of human rights of citizens.

2.1. Strategies on combating human trafficking should not only be focused on prosecution of offenders, but address its root causes and social consequences.

2.2. Non-law-enforcement governmental institutions should be more actively involved in provision of rehabilitation and reintegration services to trafficked persons.

2.3. Better coordination between state and non-state actors in assisting victims of trafficking on the operational level.

2.4. Improved access to criminal justice for trafficked persons.

2.5. Legislative reform ensuring complex approach to domestic violence and institutionalised role of NGOs through State Social Contract system.

2.6. Enhancing gender mainstreaming into all national policies and strategies as a precondition that both women and men will enjoy their rights and apply them in practice.

3. YWCA of Belarus was established and registered by the Ministry of Justice of the Republic of Belarus in 1996 as a national-based, non-political and non-confessional women's organisation, which currently unites over 100 women of different age, education and social background. The mission of BYWCA is development of the leadership and collective power of women and girls to achieve human rights, health, security, dignity, freedom, justice and peace for all people. BYWCA has **membership status** with World YWCA and is the co-founder of La Strada International Association, network on Prevention of Traffic in Persons in Central and Eastern Europe. In Belarus BYWCA operates a range of social programmes aimed at promotion and protection of rights of women and girls. **Major focus areas** include: a) addressing gender-based violence including domestic violence and human trafficking; b) promotion of gender equality and (young) women leadership development and c) promotion and protection of reproductive rights of women, including breast cancer prevention and addressing HIV spread. In its programmes BYWCA applies comprehensive **"bottom-up" human rights based approach** ensuring that interests and concerns of individuals are brought to the level of decision making and taken into account while developing respective policies and strategies on the national level. The organisation is active in provision of direct services to clients, lobbying and advocacy campaigns on the national and international level, awareness raising, capacity building and networking, conducting researches. During the years of its operation BYWCA provided direct services to over **23,500** citizens of Belarus, and indirectly reached over **150,000** persons.

4. Denunciation of Human Trafficking

4.1 YWCA of Belarus in the frames of Eu Strada Programme monitors the efforts of Belarusian counter-trafficking legislation since 2001. Belarus has enacted a robust anti-human trafficking legislative framework. Two major tools here are the Presidential Decree No.3 of 9 March 2005 on "Certain Measures to Combat Trafficking in Human Beings" that determines a set of preventive and punitive measures, and the Presidential Edict No.352 of 8 August 2005 entitled "Prevention of the Consequences of Trafficking in Human Beings," which provides for comprehensive assistance to trafficked persons, their rehabilitation and temporary stay in Belarus. The second "State Programme on Combating Trafficking in Human Beings, Illegal Migration and Connected to it Illegal Deeds for the Period of 2008 to 2010" outlines Belarus's national anti-trafficking strategy.¹ It adopts an interdisciplinary and multi-agency approach to trafficking by involving more than 20 state bodies, civil-society institutions, and representatives of international organisations in its aims.

4.2. Internationally, Belarus is the sponsor of an anti-human trafficking resolution in the UN General Assembly titled "Improving the coordination of efforts against human trafficking." The practical effect of the resolution was the creation at the UN Office on Drugs and Crime of an Interdepartmental Working Group on anti-trafficking. The Government of the Republic of Belarus made a voluntary contribution of 20,000 USD towards the Working Group's activities. Thus, Belarus demonstrates strong political will and undertakes significant efforts to fight human trafficking, and gives high priority to the problem nationally and internationally.

4.3. However, from our perspective, Belarus's anti-trafficking legislation is to greater extent based on law-enforcement model, which reflects mainly such dimension of trafficking in human beings (THB) as organised crime, and does not sufficiently address its social and other consequences and root causes. Subsequently, main achievements are observed within criminal legislation reform and prosecution. Yet, measures aimed at addressing root causes of trafficking, to name just few, such as gender discrimination, domestic violence, and low legal culture, are under-represented among other state anti-trafficking strategies. Nevertheless, progress is observed as governmental stakeholders are willing to strengthen cooperation with international and non-governmental organisations and accumulate best of international experience.

4.4. BYWCA underlines the existence of positive examples of cooperation among NGOs, international agencies and Ministry of Interior, Ministry of Foreign Affairs, and Ministry of Labour and Social Welfare. At the same time, other entitled ministries, e.g. such important anti-trafficking actors as Ministry of Health and Ministry of Education, are poorly involved into rendering social assistance to trafficked persons. For better coordination of joint effort in the sphere of social assistance to the survivors of trafficking, better protection of their rights and provision of effective rehabilitation, BYWCA claims to full involvement of non-law-enforcement governmental institutions. Moreover, BYWCA calls the Ministry of Interior, as coordination body of national anti-trafficking strategies, to create mechanism for improving coordination between state and non-state actors on the operational level, ensuring immediate and joint response to the needs of trafficked persons.

4.5. Presidential Edict No. 352 "On Measures to Protect Victims of Trafficking" outlines main elements of a National Referral Mechanism targeted at Belarusian citizens and stateless persons with the aim to facilitate access to assistance for adult and minor trafficked persons. Governmental bodies bear main responsibility for provision of assistance to trafficked persons. Based on the definition of victims of human trafficking stipulated in the above-mentioned document, state service providers grant assistance only to victims and/or witnesses participating in the criminal/court proceedings. That gap in access to rehabilitation and reintegration programmes is filled in by

¹ Approved by the President of the Republic of Belarus on 6 December 2007

international agencies and NGOs, who render their services regardless the status of concerned persons and their willingness to cooperate with authorities.

4.6. It is acknowledged that trafficked persons are entitled to **compensation**. However, prosecution of offenders does not automatically bring justice to victims. Although Belarus has legal provisions for victims of crime to claim compensation for material and non-material damages, in practise, it remains one of the weak rights of trafficked persons when it comes to accessibility and the actual receipt of a compensation payment by a victim. Further steps in identifying gaps and obstacles in access of trafficked persons to justice, as well as monitoring the situation should take place.

5. Addressing domestic violence

5.1. BYWCA believes that such a violation of women's rights as gender based violence (GBV) is often both the cause and consequence of trafficking person, in particularly women and children. Addressing GBV, in particularly domestic violence (DV), in a comprehensive and multi-disciplinary manner will positively impact on prevention of human trafficking.

5.2. According to Belarusian government² some 30% of Belarusian women experience domestic violence. Analysis of profile of the trafficked woman assisted by BYWCA suggests that 50% of them have experienced domestic violence prior to trafficking situation. However, domestic violence is not often reported, given the facts of aggressors' impunity, economic dependence of victims from offenders and lack of trust among victims toward police and other governmental institutions.

5.3. In 2008 BYWCA conducted a pilot socio-economical survey **"Costs of domestic violence in Belarus"**. The aim of the survey was to calculate both the economic and social costs of violence against women committed by current or ex intimate partners. The economic cost of domestic violence in Belarus is estimated at **2,416,752 roubles**, or the equivalent of **1,125,471 US dollars**. This figure has been calculated by taking as a base the number of officially registered cases of family-related violence against women in 2006, which amounted to **2,734 cases**.

5.4. A draft Law on prevention and combating domestic violence, which was drawn up in 2002 using UN legislation as a basis, approved by the Ministry of Interior, and presented for the hearings to the National Parliament, has still not been adopted. That document contains a range of preventive and protective activities, such as restriction measures, including official prohibition and warnings to the aggressor, as well as such protection measures as warning orders on personal security. This draft Law also includes the provision of shelters for survivors of domestic violence. **The adoption of this draft Law, with some amendments, would ensure a unified legal, social and public response to domestic violence**, as well as provision of adequate protection for victims and other family members affected. Moreover, the draft Law would lead to better collection of statistic data on the problem. For the effective implementation of the Law, one should budget for the financing of sufficient resources to cover all costs of meeting the requirements of the Act.

5.5. In Belarus there is no complex legislation on domestic violence prevention, except of general Constitutional and Criminal Code provisions. Nevertheless, **Belarusian authorities are concerned about the scale and manifestation of the problem**. Thus, certain provisions on domestic violence prevention have been reflected in the Law on Basic Principles on Prophylactic Offences, which has come into force in February 2009. The Law focuses on measures aimed at prophylactic and early prevention of different types of offences e.g. offences committed by particular risk groups – homeless people, alcohol addicted, those released from imprisonment, beggars, those from disadvantaged and trouble families etc. Although the Law **for the first time provides definition of domestic violence and outlines responsibilities of state institutions for its prevention**, the document does not ensure complex approach to address it.

² Report on the implementation of the CEDAW in the Republic of Belarus, 2004, p.55

6. Gender mainstreaming and women's rights advancement

6.1. The principle of equal rights, freedoms and opportunities of men and women is stated in the Constitution of the Republic of Belarus. These constitutional norms are imposed through several laws, which directly or indirectly regulate the issues of daily life of men and women: Family and Marriage Code, Labour Code, Criminal Code, Civil Code etc. Despite the absence of the discriminative provisions in the national legislation, the certain gap exists between guaranteed legal rights and actual opportunities for its implementation both for men and women. Adoption of the comprehensive Law on Equal Rights and Opportunities, which hinders the elimination of discrimination of women in different domains, would benefit men's and women's status in Belarus. **BYWCA believes that success in gender mainstreaming could be reached when gender approach is incorporated into all national policies and strategies at all levels as a cross-cutting issue.**

6.2. In Belarus women are more vulnerable with regards to double workload in the workplace and at home, unemployment, poverty (taking into account that 89% of incomplete families are headed by women), domestic violence and etc. Women accounted for 55,4% of all officially registered unemployed persons. There are manifestations of discrimination against hiring women of reproductive age, as employers, those mainly from private sector, do not wish to pay for maternity and other social insurance³. While working women are often highly qualified, their average wage is about 80% of what men are paid (in 2002 – 80,9%, in 2007 – 78,4%).

6.3. The major focus of the national gender policy is on women as most affected social group. However, men should also benefit from "equal rights – equal opportunities" approach. Though legislation allows to use maternity and paternity leaves for both mothers and fathers, the latest take such a leave in less than 3% of cases. There is a perpetuation of stereotypical roles of fathers and mothers as well as views of masculinity and the social roles of boys and men which contribute to serious problems for both sexes, e.g. men's life expectancy is less than women's by 12 years. **National demographic policy will also benefit from development of "responsible parenthood" concept, where both parents are responsible and accountable for bringing up children by sharing workload and providing examples of male and female reproductive behaviour's models to the future generation. BYWCA highly appreciates the provision of measures to enhance the role of fatherhood, outlined in the third National Action Plan on Gender Equality for 2008-2010⁴.**

7. Developing System of State Social Contracting

7.1. In 2008-2009 due to significant advocacy efforts of Belarusian NGOs, a system of State Social Contracting (SSC) has got considerable attention of governmental institutions, in particular, Ministry of Labour and Social Welfare and its Scientific and Research Institute. Social Contracting is aimed at enhancing state social protection system via funding state and non-state institutions, including NGOs, to deliver (direct) services to the citizens in a difficult life situation or solve emerging social issues in the region. The SSC would expand access of concerned individuals to the qualified services, broaden the range of services, improve its quality and diminish burden and overload of the state protection system.

7.2. BYWCA considers SSC as a unique mechanism of institutional recognition of NGOs' role and contribution in addressing social problems in Belarus. Direct assistance to victims of trafficking, survivors of domestic and other type of gender based violence requires resources, and where the government is not providing such services due to various limitations, it should consider funding the non-governmental organizations that provide them. BYWCA encourages the Government of Belarus to initiate legal reform and bring changes in the normative framework, so civil society organisation will be formally recognised as service providers funded by State.