BELARUS

There are national bodies in Belarus for the protection and promotion of gender equality: the Unit on Population, Family and Gender Policy of the Ministry of Labour and Social Protection has the objective to promote gender awareness, monitor the status of women and analyse the situation with regard to the implementation in Belarus of the relevant international conventions. Also, the National Council on Gender Policy under the Council of Ministers aims to promote the development and implementation of the gender policy in Belarus. The National Gender Council consists of representatives of legislative and executive bodies and public associations, and academics: it plays an interdepartmental coordinating and advisory role. The National Gender Council was established in 2000.1

The 4th National Action Plan on Ensuring Gender Equality for 2011-2015 is currently in force by the Ministry of Labour and Social Welfare, but there are no specifically allocated funds for its implementation.2

1. Discriminatory family code

Amendments in 2006 to the Marriage and Family Code3 set 18 years as the legal age of marriage for both men and women, although this can be lowered by a maximum of three years in the case of pregnancy or if the person concerned has reached full legal capacity.4

Only civil marriages registered by the public authorities responsible for registering acts relating to civil status are legally recognised in Belarus.5

The official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report includes the information that in 2007, 78.8% of children born that year were born to parents who were in registered marriages.6 According to the data of the National Statistical Committee of the Republic of Belarus in 2013, 83.9% of children were born in a registered marriage.7

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1 Ministry of Labour and Social Protection
2 Ministry of Labour and Social Protection
3 Amendments to the Marriage and Family Code by Act No. 164-3 of 20 June 2006
4 CEDAW (2010), p.66
5 CEDAW (2010), p.66
6 CEDAW (2010), p.22
7 The data will be published on the official Website of Belstat (www.belstat.gov.by) in August 2014 (electronic version of the Demographic Yearbook)
Concerning **early marriage**, in 2009, the US State Department’s report on human rights noted that within the country’s Roma minority, it is not uncommon for girls and boys to marry in their teens; in some cases, permission is obtained for marriage, in others, the marriage is not registered.⁸

**Parental authority** is covered solely by the Marriage and Family Code; customary and religious laws do not have any standing in regard to parental authority.⁹ Although no direct reference is made in the Marriage and Family Code as to whether or not women and men can legally be recognised as the head of household, spouses are expected to take all decisions relating to the family and household by mutual consent.¹⁰

The equality of spouses within marriage is protected by the Constitution.¹¹ In addition, the amendments to the Code on Marriage and the Family made in 2006 also included setting out the principle of equality of spouses within marriage.¹² Parental authority is exercised equally by both spouses, and both parents have the same rights and responsibilities in relation to their children.¹³ Article 75 of the Marriage Code emphasises, for example, that parents are jointly responsible for their children’s physical, mental and moral development, their health, their upbringing and their preparation for independent life in society.¹⁴

The equality of spouses in regard to decision-making authority over children extends to **divorced** couples.¹⁵ Under the Marriage and Family Code, couples are encouraged to draw up a contract specifying what will happen with children’s living arrangements in the event of divorce.¹⁶ However, it is generally the mother who gets custody of the child. There are NGOs in Belarus that advocate for father’s rights and fight gender stereotypes that lead to automatically give custody of the child to the mother, for example the association “Protecting fathers and children”.¹⁷

Women and men have the same **inheritance** rights under civil law in Belarus, both as spouses and as descendants.¹⁸

Customary and religious laws are not considered valid sources of law, in regard to inheritance or any other matters.¹⁹

**More**

Women and men have the same **right to initiate divorce** in Belarus.²⁰ According to one of the shadow reports on Belarus submitted to the CEDAW committee, rates of divorce are very high in the country.²¹

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⁸ US Department of State (2010)
⁹ CEDAW (2010), p.66
¹⁰ CEDAW (2010), p.22, 66
¹¹ Constitution, Article 32
¹⁴ CEDAW (2010), p.65
¹⁵ CEDAW (2010), p. 22
¹⁶ Code of the Republic of Belarus on Marriage and Family, Article 38
²⁰ Code of the Republic of Belarus on Marriage and Family, Article 34
²¹ Petina, Ludmila et. al (2010), p.25
One media report from late 2012 states that based on official statistics from the National Statistics agency, the country has the fourth highest rates of divorce in the world. This would indicate that divorce is not a source of stigma in Belarus, for women or men. However, the CEDAW shadow report draws attention to one troubling reality of divorce in Belarus: in the event of divorce, marital property can only be sold if both spouses agree, even in cases of domestic violence. This means that if a husband refuses to agree to the sale of a property, and refuses to move out, the wife may be financially unable to move out of the house she shared with her former husband.

2. Restricted physical integrity

The legal situation regarding domestic violence cases in Belarus remains unclear. Domestic violence is not included as a specific crime under the country’s Criminal Code.

A new law ‘On basic activities aimed at offence prevention’ entered into force on 16 April 2014. The law defines domestic violence as “intentional physical, psychological, sexual acts by a family member against another family member which violate the latter’s rights, freedoms and legitimate interests and cause physical and (or) mental suffering” (Article 1) and identifies individual and general measures to prevent and combat offenses of this type. A key innovation is the introduction of restraining orders for the protection of victims of domestic violence and requires the development of regional programmes on the prevention of domestic violence and other measures.

The Ministry of Labour and Social Protection website states that there is a comprehensive system in place to provide women who have been victims of domestic violence with psychological and legal support at a national network of social welfare centres. However, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee (in its Concluding Observations) and the US Department of State both draw attention to the lack of support available for women fleeing domestic violence, indicating that the legal protection that does exist is not effectively implemented. A report by the Women Against Violence Europe network (WAVE) also draws attention to the lack of support for women affected by domestic and other forms of gender-based violence.

One of the shadow reports to the CEDAW committee notes that domestic violence is widely underreported. Domestic violence is seen as a private matter, and rather than seeking help, the report states that women try and resolve the problem themselves, or seek to divorce their husbands (domestic violence is frequently cited in divorce cases). WAVE observes that violence against women remains a

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22 Preiherman, Yauheni (2012)
23 Petina, Ludmila et. al (2010), p.32
24 CEDAW (2011), p.5
26 http://pravo.by/main.aspx?guid=3871&p0=H11400122&p1=1
27 UNFPA
28 Ministry of Labour and Social Protection
29 CEDAW (2011), p.5
30 US Department of State (2013)
31 WAVE (2011)
32 Petina, Ludmila et. al (2010), 25-6
taboo issue in Belarus, and women often do not seek help, for fear of retribution, because they are unaware of what support is available, or because they have nowhere else to go.  

There are a number of ‘crisis rooms’ in Belarus that also offer services for victims of domestic violence. According to the 2013 WAVE report, there are only three women’s shelters with 23 shelter places in Belarus. Based on the Council of Europe Taskforce Recommendations, about 967 women’s shelter places are still needed in Belarus. In addition, there is no national women’s helpline in Belarus.

The National Statistical Committee of the Republic of Belarus with the support of UNICEF held Multiple Indicator Cluster Surveys on the Situation of Children and Women in 2012 (MIKS4), which resulted in figures characterising domestic violence against women in any form (physical, psychological, economic or sexual). According to the mentioned survey, 11.8% of women aged 15-49 have experienced domestic violence by their husband or intimate partner. After experiencing domestic violence, only 39.7% of women asked someone for help while 60% did not.

The General Directorate of Law Enforcement and Prevention in Belarus reports that nearly 2,000 crimes are committed within the home every year. They also state that one in four women experience physical violence and four out of five women have experienced psychological violence in their families.

It is reported that police attitudes towards victims of domestic violence have improved in recent years, thanks to targeted training and the appointment of community support officers in police stations, and those cases that do make it to court usually result in a conviction.

Rape is a criminal offence listed under the country’s Criminal Code. The definition of rape included in the criminal code does not specifically refer to spousal rape.

The penalties for rape are between three and fifteen years of imprisonment, depending on the age of the victim and the severity of the attack. However, in its Concluding Observations, the CEDAW Committee expressed its concern that rape is subject to private rather than ex officio prosecution.

The US Department of State reports that cases of rape are rarely reported, due to shame or because victims do not believe that they will be treated sympathetically by police.

The Ministry of Internal Affairs recorded 68 cases of rape between January and September of 2012. According to state statistics, in 2012, 96 crimes on rape and attempts of rape have been registered. The share of rape crime is the lowest among all other types of crimes registered by law-enforcement. 2012 rape crimes data is the lowest since 2007 (336) and is decreasing annually. A 2008 study of women

33. Women Against Violence Europe (WAVE) (2011)
35. WAVE (2013)
36. UNICEF (2013)
40. CEDAW (2011), p.5
41. Criminal Code of the Republic of Belarus, 1999, Article 166
43. US Department of State (2013)
44. US Department of State (2013)
conducted by the Belarus State University found that 13.1% of respondents reported that they had experienced sexual violence from their intimate partner. Data regarding prevalence of sexual violence more generally were not available.\(^45\)

There is no law in place in Belarus that specifically addresses sexual harassment, either in the criminal code or the labour code.\(^46\) The criminal code does include one article on coercion to perform sexual acts, Article 170, which covers coercion to perform a sexual act through threat, blackmail, or exploitation of economic dependency.\(^47\) The penalties under Article 170 are up to three years’ imprisonment.\(^48\) However, in its Concluding Observations, the CEDAW Committee notes that the burden of proof in such cases falls on the victim, and it is very difficult to secure a conviction.\(^49, 50\)

There is no evidence that female genital mutilation is practised in Belarus.

More

Abortion is available on demand in Belarus.\(^51\) According to the 2013 Statistical Book of the National Statistical Committee of the Republic of Belarus, in 2012 there were 1,781 abortions in 2012 compared to 2,227 in 2011, among women aged 15-49 years old.\(^52\)

3. Son bias

The male/female sex ratio for the total population in 2014 is 0.87 while the sex ratio at birth is 1.06.\(^53\) There is some evidence to suggest that Belarus is not a country of concern in relation to missing women.

More

According to the 2012 Multiple Indicator Cluster Survey, the gender parity index was 0.97 in primary school and 1.02 in secondary school. In addition, the score from the Early Childhood Development Index varies little by gender, although girls score higher in literacy and numeracy.\(^54\)

For children aged 5-11 years old, there were 45.9% of boys and 48.7% of girls undertaking household chores (less than 28 hours a week); for children aged 12-14 years old, the figures were respectively 73.9 and 75.5. As for unpaid work, there were more girls aged 5-11 years old than boys working outside the household, but more boys than girls aged 12-14 years old.\(^55\)

\(^{45}\) WAVE (2011)

\(^{46}\) CEDAW (2010), p.71.

\(^{47}\) Criminal Code of the Republic of Belarus, 1999, Article 170

\(^{48}\) Criminal Code of the Republic of Belarus, 1999, Article 170

\(^{49}\) CEDAW (2011), p.8

\(^{50}\) Petina, Ludmila et. al (2010), p.8

\(^{51}\) United Nations Department of Economic and Social Affairs, Population Division (2013)

\(^{52}\) National Statistical Committee of the Republic of Belarus (2013)


\(^{54}\) Republic of Belarus (2013)

\(^{55}\) Republic of Belarus (2013)
Net enrolment ratio in secondary education in the Republic of Belarus for 2012 according to the UIS is was 95.8% girls and 95.4% boys.\textsuperscript{56}

In 2013, the infant mortality rate among males was 3.9 per 1000 live births and among girls 3.0.\textsuperscript{57}

4. Restricted resources and assets

Belarusian legislation does not discriminate against women in relation to rights of ownership or access to land.\textsuperscript{58}

Land ownership in Belarus is governed solely by civil law, and women’s equal rights to own and manage property are legally protected.\textsuperscript{59}

Belarusian legislation does not discriminate against women in relation to rights of ownership or access to non-land assets.\textsuperscript{60} A woman’s rights to property are not dependent on her marital status or the type of marriage; unmarried men and women have the same property rights, as do husbands and wives.\textsuperscript{62} All property bought before a marriage remains the sole property of the partner who purchased it, while property that is bought by either party during a marriage is considered to be joint property, and cannot be sold without the permission of both spouses.\textsuperscript{63}

No data was found on women’s access to and ownership of property. A 2007 report by the Organization for Security and Cooperation in Europe (OSCE) notes that women’s equal right to own and manage property is generally respected.\textsuperscript{64}

There is also no legal discrimination against women in regard to access to financial services, including bank loans and credit.\textsuperscript{65} However, according to one of the 2010 shadow reports to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) committee, it is difficult for anyone to gain access to credit, male or female, as credit is expensive and inaccessible.\textsuperscript{66}

Data from the World Bank indicates that in 2011, 58% of adult women had bank accounts, as did 59% of men. In the same year, 16% of adults had received a loan from a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.\textsuperscript{67}

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\bibitem{58} CEDAW (2010)
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\bibitem{63} Petina, Ludmila, et al. (2010) p.25
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\bibitem{65} CEDAW (2010)
\bibitem{66} Petina, Ludmila, et al. (2010), p.6
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\end{thebibliography}
5. Restricted civil liberties

Women and men have the same rights to freedom of movement and access to public space in Belarus, including in regard to choosing a place of residence.\(^{68}\) Women and men have the same rights to apply for a passport, and travel within and outside the country.\(^{69}\)

Women do not need permission to leave the house, and can choose where they want to live.\(^{70}\) However, all citizens in Belarus are required by law to register their place of permanent residence.\(^{71}\)

Women belonging to some minority groups face discrimination and hostility that may limit their free access to public space. For instance, members of the Lesbian, gay bisexual, transgender, and intersexed (LGBTI) community face discrimination and in some cases violence, including at the hands of police; President Lukashenka has also spoken out against the rights of LGBTI people.\(^{72}\) According to Minority Rights Group, members of the country’s Polish and Roma minorities face discrimination that limits the free access to public space of women belonging to these groups. This includes restrictions on the use of Polish in education and the media and police harassment of Roma women selling produce or telling fortunes.\(^{73}\)

A Presidential decree led to the establishment of 30% quotas for women in the two legislative chambers.\(^{74, 75, 76}\)

There do not appear to be any legal quotas in place at the sub-regional level to promote women’s political participation. According to data in the 2010 official Convention on the elimination of all forms of Discrimination against Women (CEDAW) report, following local elections in 2007, women made up 45.7% of elected representatives at the level of local Councils of Representatives. No up-to-date data was available.\(^{77}\)

As of 2013, there were 34.5% of women in the Council of the Republic, a slight increase from 32.8% in 2012; however, a slight decrease can be noted in terms of women’s representation in the House of Representatives, with 26.6% of women in 2013, down from 31.8% in 2012.\(^{78}\)

More

Media monitoring carried out in Belarus in 2010 found that while women made up a sizable proportion of presenters (37%) and reporters (46%) in the national media, few articles and news items featured women as subjects, and women were rarely interviewed as experts on ‘hard news’ items (e.g. covering politics or economics).\(^{79}\) One of the shadow reports prepared to accompany the official CEDAW report

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68 CEDAW (2010)
69 International Bank for Reconstruction and Development / World Bank (2011) p.60
70 International Bank for Reconstruction and Development / World Bank (2011), p.60
71 CEDAW (2010)
72 Karmanau, Yuras (2013)
73 Minority Rights Group International (n.d.)
74 Petina, Ludmila et. al (2010), p.10
76 Naviny.by (2004)
77 CEDAW (2010)
78 National Statistical Committee of the Republic of Belarus, (2013)
79 Global Media Monitoring Project (2010), p.67
observes that in the Belarusian media, representations of women are limited to ‘marriage, motherhood, beauty, and sexuality’, or sensationalist coverage of issues such as alcoholism among women, or sex work.80

Under the Labour Code, women are protected from discrimination on the basis of gender in employment.81, 82

Pregnant women in Belarus have the right to 126 days paid maternity leave.83, 84 Women on maternity leave are entitled to receive a payment equivalent to the national average salary.85, 86 Maternity leave is financed through the State Social Insurance scheme.87

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80 Petina, Ludmila et. al (2010), p.23
81 CEDAW (2010), p.16, 17
82 Petina, Ludmila et al (2010), p.15
83 Labour Code of the Republic of Belarus, Article 184
84 ILO (2011)
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