



**Belarus's Compliance with the Convention on the Elimination of All Forms of
Discrimination Against Women
Suggested List of Issues Prior to Reporting**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

**for the 83rd Session of the Committee on the Elimination of All Forms of Discrimination
Against Women (Pre-sessional Working Group)
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

EXECUTIVE SUMMARY

1. In the aftermath of the August 2020 elections, the Belarusian Government has responded to protests, including women-led protests, with excessive use of force and arbitrary detention. Space for civil society has significantly shrunk since 2020. Government forces forcibly liquidated, threatened, and surveyed women’s rights organizations throughout 2021, forcing many human rights defenders to flee or stop their work. The government also arrested several members of civil society. These reprisals against women human rights defenders leave victims of domestic violence without access to victim-centered services.
2. Domestic violence legislation does not adequately protect victims. Although a draft law to specifically criminalize domestic violence was proposed, President Lukashenko vetoed it in 2018 and has not addressed it since. Reporting of domestic violence is low; many women fear losing custody of their child under Belarus’s child protection law. This fear is further augmented by the government’s use of this law to target women political activists, either actual or perceived, by threatening to remove their children because they are viewed as government dissenters.
3. The Advocates for Human Rights has received information on civil society, gender-based violence against women, and domestic violence directly from human rights defenders in Belarus. Credible information from secondary sources supplements their first-hand accounts. This stakeholder report addresses Belarus’s failure to comply with its international human rights obligations and suggests questions to address and improve the human rights situation in Belarus.

Belarus fails to uphold its obligations under the Convention for the Elimination of Discrimination Against Women

I. Civil society, including women human rights defenders

4. In its 2016 Concluding Observations, the Committee on the Elimination of Discrimination Against Women (“Committee”) expressed concern about violence and threats against women human rights defenders, including sexual assault and threats of deprivation of parental rights.¹ The Committee was also concerned about registration requirements for NGOs that are “cumbersome, lengthy, and costly.”²
5. Following the 2020 elections, the government of Belarus targeted civil society with surveillance, searches, and threats. In 2021, President Lukashenko issued an order to “clean up” civil society because he claimed many NGOs were harmful to Belarusian values and a threat to society.³ Following the order, authorities conducted a search of 200 NGOs and opened

¹ Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding Observations on the eighth periodic report of Belarus*, 25 November 2016, U.N. Doc. CEDAW/C//BLR/CO/8. ¶16.

² Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding Observations on the eighth periodic report of Belarus*, 25 November 2016, U.N. Doc. CEDAW/C//BLR/CO/8. ¶16.

³ Interview with Belarusian Human Rights Defender. Information on file with authors.

criminal cases against NGOs, including several women’s rights organizations.⁴ Authorities also forced many NGOs to liquidate. One human rights defender working at a domestic violence organization described the process of forced liquidation of hers and many other NGOs. First, the Minister of Justice requested documents for monitoring purposes. The NGO compiled the documents, but authorities came a few weeks later and confiscated them. When the NGO received a second warning to submit the monitoring documents, they tried to explain that the documents were confiscated, but the Minister of Justice ignored them. The second warning constitutes grounds for liquidation. The Minister of Justice effectively forced the organization to liquidate through the pretense of monitoring.⁵

6. Members of civil society who tried to push back against forced liquidation and harassment from the government did not see justice in the courts. One women’s NGO filed a court case to challenge its forced liquidation, but the court sided with the Ministry of Justice.⁶
7. For those women’s organizations that continue their work inside the country, conditions are very dangerous. The ex-chairperson of one women’s rights organization who is still working in Belarus has been detained, along with many others.⁷ Police arbitrarily arrested and detained Ms. Olga Gorbunova, a board member for Radislava Shelter for victims of domestic violence, and an LGBTI activist. On 26 September 2020, officials arbitrarily arrested and detained another prominent LGBTI activist, Ms. Viktoria Biran.⁸
8. Other organizations have stopped their work out of fear. Many organizations fear the government is listening in on their phone conversations; one organization received letters that had already been opened, presumably by government officials.⁹ As one human rights defender said, “I feel like they [the NGOs left behind] are like hostages in this situation.”¹⁰ As described below in paragraph 18, the closures of and restrictions placed on these NGOs has created a significant gap in victim-centered services in Belarus.
9. “Secularized” NGOs that are seemingly independent from organized, conservative religions have also emerged generally across the region. These groups tend to oppose the rights of

⁴ *Belarus: Sweeping Crackdown on civil society organizations must be stopped*, Amnesty International, 14 July 2021, available at <https://www.amnesty.org/en/latest/news/2021/07/belarus-sweeping-crackdown-on-civil-society-organizations-must-be-stopped/>; Interview with Belarusian Human Rights Defender. Information on file with authors.

⁵ Interview with Belarusian Human Rights Defender. Information on file with authors.

⁶ Interview with Belarusian Human Rights Defender. Information on file with authors.

⁷ *Belarus: Ongoing Searches and Arrests of Human Rights Defenders and Journalists*, International Federation for Human Rights, 16 July 2021, available at <https://www.fidh.org/en/issues/human-rights-defenders/belarus-ongoing-searches-and-arrests-of-human-rights-defenders-and>; Interview with Belarusian Human Rights Defender. Information on file with authors.

⁸ ‘Her Rights’ Centre, ADC ‘Memorial,’ *The situation with human rights of women in Belarus following the presidential elections in 2020*, 2020, 14. Available at <https://drive.google.com/file/d/1yMdbM6XsPYxLBYh5VuQ4fyi1IXgzbfY-/view>.

⁹ Interview with Belarusian Human Rights Defender. Information on file with authors.

¹⁰ Interview with Belarusian Human Rights Defender. Information on file with authors.

women that threaten their vision of traditional values and family.¹¹ One Belarusian human rights defender has described these organizations as “pretending to be democratic,” and they “do not cooperate with other NGOs.”¹² According to a human rights defender, these conservative NGOs are “popping up [and] . . . co-opting the language and activities of civil society NGOs.”¹³ The emergence of these organizations poses a serious risk to the protection of women’s rights in Belarus, particularly if they are the only groups left to fill the void of women’s rights NGOs.

10. The government accused several individuals and organizations of financing or encouraging mass protests under Article 293 of the Criminal Code as pretense to arrest and detain them. A video circulated on Belarusian official television alleged that the women’s organization ‘Her Rights’ Centre used foreign funding to promote women’s marches.¹⁴ ‘Her Rights’ Centre later denied the accusations.¹⁵ Nonetheless, several activists within the organization had to flee the country for their safety.¹⁶ Another prominent activist working for the Human Rights Center “Viasna” was accused of training or sending aid to protestors against the government. Officials arbitrarily arrested and detained her.¹⁷ On 18 January 2021, a human rights defender of the “Viasna” Center was detained as a suspect under Article 343 of the Criminal Code (Organization and preparation of activities causing public disorder, or active participation in them).¹⁸ On 18 January 2021, his assistant was detained as well.¹⁹

¹¹ The concept of the “traditional” family envisions a family unit of a biological man married to a biological woman and their children. See generally The Advocates for Human Rights, *A Rollback for Human Rights; The Istanbul Convention under Attack* (2021), available at <https://www.theadvocatesforhumanrights.org/res/byid/9425>.

¹² The Advocates for Human Rights, *A Rollback for Human Rights; The Istanbul Convention under Attack* (2021), at 38, available at <https://www.theadvocatesforhumanrights.org/res/byid/9425> (citation omitted).

¹³ The Advocates for Human Rights, *A Rollback for Human Rights; The Istanbul Convention under Attack* (2021), at 39, available at <https://www.theadvocatesforhumanrights.org/res/byid/9425> (citation omitted).

¹⁴ ‘Her Rights’ Centre, ADC ‘Memorial,’ *The situation with human rights of women in Belarus following the presidential elections in 2020*, 2020, 14. Available at <https://drive.google.com/file/d/1yMdbM6XsPYxLBYh5VuQ4fyi1IXgzbfY-/view>.

¹⁵ “Refutation of the information in the ATN video about the sponsoring of women's marches by the Center "Her Rights" and PandaDoc,” Eeprava, 14 September 2020, available at <https://bit.ly/396lDcP>.

¹⁶ ‘Her Rights’ Centre, ADC ‘Memorial,’ *The situation with human rights of women in Belarus following the presidential elections in 2020*, 2020. Available at <https://drive.google.com/file/d/1yMdbM6XsPYxLBYh5VuQ4fyi1IXgzbfY-/view>.

¹⁷ Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights, *OSCE Rapporteur’s Report Under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus*, 5 November 2020, 35.

¹⁸ “Famous human rights activist Leonid Sudalenko was detained in Gomel, he is in the UK,” Tut.by, 19 January 2021. Available at <https://news.tut.by/society/715320.html>.

¹⁹ “In Gomel, after the arrest of human rights defender Sudalenko, his assistant Maria Tarasenko was also detained,” Tut.by, 19 January 2021. Available at <https://news.tut.by/society/715463.html>.

11. The Special Rapporteur on the situation of Human Rights Defenders noted with concern that the nature of these accusations against women human rights defenders “raise(s) serious questions as to the legal basis for their initial detention and subsequent sentencing.”²⁰
12. The government also attempts to put pressure on women who are politically active, either perceived or real, by threatening to mark their children as being in a “socially dangerous situation” under Belarus’s child protection law.²¹ Police threatened to take away one woman’s daughter because the mother had participated in an “unsanctioned” protest in September 2020.²² There are also reports that some schools forced parents to sign a statement saying their involvement in protests could result in losing custody of their child.²³
13. The government targets activists or members of the public who talk about gender or gender policies. Across the region, certain groups have commandeered the concept of gender, turning it into “gender ideology.” “Gender ideology” is an umbrella concept used to oppose women’s equality, LGTBI rights, and sexual and reproductive rights. Many right-wing groups, including organized religions, governments, and NGOs, seek to brand different human rights initiatives as promoting a threatening “gender ideology” that will destroy traditional values.²⁴ For instance, Belarusian authorities arrested one woman who spoke about gender on Telegram, a popular social media platform in Belarus, claiming she was spreading LGBTI propaganda.²⁵ Law enforcement and other government officials interpret any mention of gender as a threat to traditional values.²⁶ This interpretation of gender threatens the work of women’s rights organizations to protect victims of domestic violence.

14. Suggested questions related to civil society and human rights defenders:

- What protections are in place to ensure women human rights defenders do not face reprisals for their work?
- What steps has the State Party taken to ensure protection of freedom of expression and freedom from arbitrary deprivation of their liberty for women human rights defenders?
- What efforts has the State Party taken to protect the right to freedom of assembly and to ensure women protestors do not face threats, arbitrary detention, or violence?

²⁰ Special Rapporteur on the situation of human rights defenders, “Belarus: UN experts decry threats against women human rights defenders,” OHCHR, 2 November 2020. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26470&LangID=E>

²¹ Center for Civil Liberties, *Research on pressure on adults through children*, source on file with authors.

²² Anastasiia Kruope, *Belarus Uses Children to Pressure Dissenting Parents*, Human Rights Watch, 8 October 2020, available at <https://www.hrw.org/news/2020/10/08/belarus-uses-children-pressure-dissenting-parents#>.

²³ Anastasiia Kruope, *Belarus Uses Children to Pressure Dissenting Parents*, Human Rights Watch, 8 October 2020, available at <https://www.hrw.org/news/2020/10/08/belarus-uses-children-pressure-dissenting-parents#>.

²⁴ The Advocates for Human Rights, *A Rollback for Human Rights; The Istanbul Convention under Attack (2021)*, 3-4, available at <https://www.theadvocatesforhumanrights.org/res/byid/9425>.

²⁵ Interview with Belarusian Human Rights Defender. Information on file with authors.

²⁶ Interview with Belarusian Human Rights Defender. Information on file with authors.

- What trainings, if any, does the State Party provide to government officials and law enforcement about the concept of gender and how it impacts power dynamics between men and women?
- What reasons does the State Party have for associating the term “gender” with “LGBTI propaganda?”

II. Gender-based violence against women

15. In its 2016 Concluding Observations, the Committee expressed concern about the increase in the prevalence of gender-based violence against women, the absence of legislation criminalizing gender-based violence, and the physical violence endured by politically active women at the hands of law enforcement.²⁷ The Committee was also concerned about the requirement of a victim’s written consent for issuance of a restraining order that would evict abusers, the lack of adequately equipped crisis rooms specifically created for victims, and the reluctance of most victims to seek assistance or report incidents.”²⁸
16. Belarus’ legislation fails to protect victims of gender-based violence. Belarus has yet to enact a separate domestic violence law. President Lukashenko vetoed the most recent draft domestic violence law in 2018, dismissing it as “Western” rubbish, and discussions have not been renewed.²⁹ The protective orders lack implementation.³⁰ The request for including economic violence and stalking went unrecognized. Social services remain inadequate and are not victim-centered.³¹
17. Human rights defenders in Belarus have provided firsthand information to The Advocates that despite the many gaps remaining in the legislation, the advancements would normally be considered a step in the right direction.³² For instance, the definition of domestic violence, under the 2014 Law on the Basics of Activities for the Prevention of Offences, was expanded to include ex-partners and ex-spouses. Important provisions that included emergency protective orders, risk assessments, and limitations on weapons were also introduced. However, those who advocated for these changes note the ongoing risk that it may be used

²⁷ Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding Observations on the eighth periodic report of Belarus*, 25 November 2016, U.N. Doc. CEDAW/C//BLR/CO/8. ¶16.

²⁸ Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding Observations on the eighth periodic report of Belarus*, 25 November 2016, U.N. Doc. CEDAW/C//BLR/CO/8. ¶16.

²⁹ *Lukashenko Lambasts New Domestic Violence Bill*, Belta, 5 October 2018, available at <https://eng.belta.by/president/view/lukashenko-lambastes-new-domestic-violence-bill-115411-2018/>; Interview with Belarusian Human Rights Defender. Information on file with authors.; The Advocates for Human Rights, *A Rollback for Human Rights; The Istanbul Convention under Attack (2021)*, at 76, available at <https://www.theadvocatesforhumanrights.org/res/byid/9425>.

³⁰ United States Department of State, *Belarus 2020 Human Rights Report*, <https://www.state.gov/wp-content/uploads/2021/03/BELARUS-2020-HUMAN-RIGHTS-REPORT.pdf>, 49; Interview with Belarusian Human Rights Defender. Information on file with authors.

³¹ United States Department of State, *Belarus 2020 Human Rights Report*, <https://www.state.gov/wp-content/uploads/2021/03/BELARUS-2020-HUMAN-RIGHTS-REPORT.pdf>, 49; Interview with Belarusian Human Rights Defender. Information on file with authors.

³² Interview with Belarusian Human Rights Defender. Information on file with authors.

politically against activists.³³ There are also concerns about implementation, as civil society organizations, many of which have closed since the post-election violence, played an important role as the link between the government and citizens.

18. Amid the government crackdown on women’s rights organizations, victims have far fewer options for services. They had relied on the various civil society organizations, independent of the government, to meet their needs.³⁴ Victims could generally expect the staff to treat them in a trauma-informed way and respect their wishes.³⁵ Now that most domestic violence shelters and services have halted their work, victims must rely on government social services. Advocates are concerned, however, that these social services are not victim-centered.³⁶ Government social services do not approach domestic violence through the lens of gender and the power and control dynamics that underpin domestic violence, exposing victims to victim blaming and re-traumatization. With domestic violence still a prevalent issue in Belarus, the loss of these autonomous, NGO-led services has great impact. In 2018, it was estimated that every third person killed in Belarus was a victim of a family member.³⁷ From January until October of that same year, 115 women were reported to be a victim of severe domestic abuse.³⁸ From January until March 2020, law enforcement documented 655 household and domestic related offenses.³⁹
19. Victims are reluctant to report instances of domestic violence out of fear of losing their children. Under Belarusian law, police must report the incident to the Department of Education if children are present in the home and a report of abuse is made for violence in the home.⁴⁰ Under this law, the children may then be considered to be in a “socially dangerous situation” and may be removed from the family. As discussed in paragraph 12, the government has also intimidated politically active individuals, specifically women, with the threat of removal of their children. Law enforcement has employed similar tactics to intimidate persons based on their perceived political affiliations. For example, a woman went to the police station to report domestic abuse. Rather than addressing the violence, police pointed out her tattoo with the

³³ Interview with Belarusian Human Rights Defender. Information on file with authors.

³⁴ Interview with Belarusian Human Rights Defender. Information on file with authors.

³⁵ Interview with Belarusian Human Rights Defender. Information on file with authors.

³⁶ Interview with Belarusian Human Rights Defender. Information on file with authors.

³⁷ The Advocates for Human Rights, *Stakeholder Report for the United Nations Universal Periodic Review*, 3 October 2019, available at <https://www.theadvocatesforhumanrights.org/res/byid/8081>.

³⁸ The Advocates for Human Rights, *Stakeholder Report for the United Nations Universal Periodic Review*, 3 October 2019, available at <https://www.theadvocatesforhumanrights.org/res/byid/8081>.

³⁹ United States Department of State, *Belarus 2020 Human Rights Report*, <https://www.state.gov/wp-content/uploads/2021/03/BELARUS-2020-HUMAN-RIGHTS-REPORT.pdf>, 49.

⁴⁰ The Advocates for Human Rights, *Belarus’ Compliance with the Convention Against Torture*, 31 January 2021, available at <https://www.theadvocatesforhumanrights.org/res/byid/8080>, 12.

“white-red-white”⁴¹ symbol, claiming she was against the government.⁴² They fined her and threatened to take away her child because they claimed she was a government opponent.⁴³

20. Suggested questions related to gender-based violence:

- What measures has the State Party taken to ensure implementation of the new legislative provisions, including the emergency protective orders and limitations on weapons?
- What steps has the State Party taken to include economic violence and stalking under the 2014 Law on the Basics of Activities for the Prevention of Offences?
- How has the State Party ensured adequate specialized services have been made available to victims? What, if any, services has the State Party provided and what guarantees is it undertaking to ensure these services are victim-centered and trauma-informed?
- What training does the State Party provide to government-operated? social services for victims of domestic violence on gender and the power and control dynamics of domestic violence?
- What steps has the State Party taken to ensure the “socially dangerous situation” does not punish victims through removal of their children from the non-violent parent?

⁴¹ The white-red-white flag has become a symbol of the opposition to President Lukashenko’s government. It was the official flag of Belarus in 1918 under the Belarusian National Republic but was then replaced by the green and red flag under the Soviet Union. When Belarus gained independence from the Soviet Union, it readopted the white-red-white flag until Lukashenko changed it to the Soviet flag in 1994. Shaun Walker, *How the Flags of Belarus Became Symbols of Confrontation*, The Guardian, 22 August 2020, available at <https://www.theguardian.com/world/2020/aug/22/how-the-two-flags-of-belarus-became-symbols-of-confrontation>.

⁴² Interview with Belarusian Human Rights Defender. Information on file with authors.

⁴³ Interview with Belarusian Human Rights Defender. Information on file with authors.