

Shadow report on Domestic Violence Problem in Belarus

To the United Nations Committee on the Elimination of
Discrimination Against Women

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Examination of the report submitted by the government of the
Republic of Belarus

Submission can be posted on the OHCHR website
for public information purposes

The Report was prepared by the Belarusian Coalition of Civil Society Organisations, Initiatives and Activists (in exile) against Gender-based and Domestic Violence (the NGOs Coalition).

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Key findings

1. The NGOs Coalition welcomes the adoption of amendments to the Law "On the Fundamentals of Activities on Prevention of Offences" (hereinafter - the Prevention Law), which have the potential to intensify the implementation of state policy in the field of domestic violence (DV) prevention.

2 However, the implementation of the Prevention Law is taking place during political crisis, state violence and against the backdrop of the massive repression of civil society organisations. All specialised NGOs, which since the 2000 provided gender-sensitive assistance to DV survivors with a human rights-based approach, have been liquidated. This has a negative impact on DV prevention and the provision of assistance to victims, especially women with children, the elderly, people with disabilities, LGBTQI+ persons.

3 Most of DV criminal cases remain private prosecutions, i.e. they are initiated only on written reports of victims, where they have the full responsibility of gathering evidence about the incidents. Private prosecution cases can also be terminated by reconciliation of the parties.

4. Police pay more attention to political activity of DV victims than to protection measures and bringing aggressors to justice. Protection orders have limited validity term and doesn't contribute to long-term solution. Child protection authorities manipulate and threaten women to remove children from the family due to "socially dangerous situation" if women seek help from police. State "crisis rooms" don't provide specialised assistance to victims.

5. Inter-agency co-operation is not comprehensive; professionals often blame victims for provoking violence. The confidentiality is not observed. Actions of state institutions are often formal and not results oriented. Correctional programmes for aggressors are practically absent, there is no clear mechanism for referring perpetrators to the programmes, and participation is voluntary and ineffective. Criticism of the actions of authorities to prevent DV is prohibited.

6. The State hides DV statistics from the public. After 2020, awareness raising campaigns about the DV problem and victims' rights have significantly decreased, and there is no regular gender-sensitive training of professionals.

2. Recommendations to the Government of Belarus

7. To transfer the category of DV criminal cases from private prosecution to private-public or public prosecution, which ensures the participation of prosecutor and prevents the closure of cases due to reconciliation of the parties.

8. To adopt a specialised Law on the DV Prevention, taking into account the requirements of Istanbul Convention, which should recognise the gendered nature of the phenomenon, define economic violence and stalking as DV forms, include actors of criminal and administrative offences, include non-law-enforcement government agencies as co-coordinators in the Law implementation, and explicitly define NGOs role as equal participants.

9. To close criminal cases initiated against (specialised) NGOs and terminate criminal and administrative prosecution of NGOs members.

10. To ensure government DV statistics is public, accessible and regularly updated, taking into account the criteria of gender, age, residence, presence of children, disability of victims and perpetrators.

11. To consider DV as an aggravating and/or exceptional circumstance in divorce, property disposition, child custody determinations, and for obtaining free legal aid by the victims.

12. To increase the term of Protection order issued by police to 90 days, with the possibility of its extension by prosecutor up to 1 year.

13. To ensure practical implementation of inter-agency co-operation between different state bodies on the basis of case management, when a single entity is responsible for coordinating the provision of comprehensive assistance. The composition of inter-agency councils should be personalised in order to respect the confidentiality. Discontinue the practice of inviting victims and perpetrators to the inter-agency councils at the same time. Include specialised NGOs in the composition of inter-agency councils.

14. When a child is placed in a "socially dangerous situation" in DV situation, develop practical measures to assist and protect mothers who are victims of violence, and stop the practice of intimidating women into removing their children from the family.

15. To approve official Correctional Programme for aggressors with a duration of at least 80 hours, taking into account international and Belarusian experience, and to oblige perpetrators to take part in them.

16. To establish specialised services, in particular "crisis rooms", for DV victims, based on gender approach in each regional centre. Provide specialists of state "crisis rooms" with mobile phones and pay for communication services to ensure prompt response to DV situations, consistency, continuity of care and confidentiality.

17. To provide regular training to professionals on how to identify, respond to DV, especially its latent forms, and provide comprehensive assistance to victims, taking into account gender-sensitive approach and confidentiality.

3. How domestic violence is defined in the legislation of Belarus

18. DV is not a separate type of crime or offence for which there is specific liability. Responsibility for committing DV is provided for in the Criminal and Administrative Codes.

4. Private prosecution in DV cases

19. Most of the DV offences are private prosecution cases, which are initiated based on victims' written statement. The women act as inquirers, investigators and prosecutors all-in-one. They must collect evidence against aggressor, testimony of witnesses, request the appointment of an expert examination, bear court costs, etc. A private prosecution case can also be terminated due to reconciliation between the victim and the accused, which in most cases happens.

20. When private prosecution cases are initiated, women don't have physical ability to prove the aggressor's guilt. This is because victims, in most cases, live with aggressors and are economically dependent, for example, on maternity leave, or have shared housing or have no ownership rights in the occupied housing. Moreover, DV can also escalate and lead to even more aggravating consequences for women - deep psychological trauma, physical disability and even death.

21. Another important circumstance is the victims' low level of legal literacy. Ignorance of their rights, administrative procedures and legislation, leads to women not even attempting to apply to court. Police are often not interested in properly informing women about their rights.

22. The initiation and management of a private prosecution case entails certain financial expenses, which may not be affordable for the victim - lawyer's services, filing an application, assessment of the value of the property, conducting an expert examination, etc. Women must also have enough free time to collect evidence and attend court hearings, which could be difficult given the household work, childcare and the job.

23. These obstacles contribute to re-traumatisation of women because they have to continue to live with aggressors and meet them at court hearings, along with gathering evidence and defending position in court.

5. Initiation of a criminal case by a prosecutor without a victim's statement

24. Within the framework of private-public or public prosecution, a prosecutor may initiate criminal proceedings on DV without the victim's statement, if it affects the interests of the state and society. With the 2022 legislative amendments to the Prevention Law, information on the number of criminal cases initiated by prosecutors is actively reported in the state media. However, according to the NGOs Coalition, such cases are still isolated and exceptional.

6. Legislative changes in force in 2022

25. The NGOs Coalition recognises and welcomes the State's efforts to amend the Prevention Law, as described in paragraphs 7, 8 and 9 of the section "Gender-based violence against women" of the report of Belarus.

26. However, these amendments cannot fully replace the specialised law on DV prevention:

A) The Prevention Law does not define the DV problem as gender-specific, unlike the Istanbul Convention. The State's lack of understanding of how gender inequality, as a root cause, and gender, as a vulnerability factor for women, are related to DV. At the same time, the State recognises¹ that 90% of victims are women. The denial of the DV gendered nature is also reflected in the State's failure to offer specialised services for victims, the vast majority of whom are women.

B) The Prevention Law regulates only administrative offences related to DV and doesn't cover criminal prosecution of perpetrators. The Criminal Code has about 10 articles providing for DV offences liability. But victims of DV criminal offences don't have the same rights as victims of administrative offences; perpetrators of criminal offences are not involved in correctional programmes; state bodies are not obliged to develop inter-agency cooperation when it comes to participants in criminal DV cases.

C) Economic violence and stalking are not defined as separate DV types.

D) The Prevention Law is essentially a law-enforcement type of the law and is not comprehensive enough for other state bodies and structures. Coordination of the Law implementation is carried out by the Prosecutor General and lower-level prosecutors.

E) The Prevention Law only once mentions NGOs as subjects of inter-agency co-operation and doesn't regulate their participation in DV prevention and assistance to victims.

7. Sexualised intimate partner violence

27. A survey conducted by the Institute of Sociology of the National Academy of Sciences in 2018 showed that 16.9% of women aged 18 to 60 have experienced sexualised violence from partners at least once in their lifetime.

28. According to a Nationwide DV hotline closed by the authorities in 2021, 4% of female victims experienced sexualised violence in marriage and/or partnership.

29. The Prevention Law describes intentional unlawful acts of sexualised violence by family members as a DV type. However, women rarely report it due to shame, as well as ignorance that sexualised violence by (ex-)spouses is punishable. There is also a widespread gender stereotype of "marital duty", which prescribes a woman to agree to intimate intimacy with her husband/partner even if she does not want it. This stereotype has deeper belief that men need regular sex and are entitled to receive it from their legitimate spouse/partner, including in order to prevent adultery/partner infidelity.

¹ Belarus report on progress in implementation of the Beijing Declaration and Programme of Action on the occasion of 30th anniversary of the Fourth World Conference on Women

30. Police officers do not know what procedural steps they should take to initiate an investigation in cases of sexualised violence by a spouse/partner. "The policeman told me that I should not write that my husband raped me, but only that he used physical force. Because he did not know how to prove it, because we have sex with my husband".²

8. Stalking

31. Stalking is particularly common among couples who have ended a relationship, but a man tries to get a woman back or take revenge. The NGOs Coalition notes cases when former partners send a large number of SMS messages (more than 100), pay obsessive attention, try to find out new contacts of woman, meet her at her home or work, blackmail with intimate photos, spread insulting information among her relatives and friends, and threaten to cause violence to both of them. However, according to police officers, it is impossible to prosecute a man for such behaviour as long as his threats are not of a "real nature".

32. According to the data of the online hotline for women DV victims in 2022-2024, 7% of women reported being stalked by former spouses/partners. But police refused to take any action due to lack/insufficient evidence.

9. Economic DV

33. DV often begins at a time when a woman is economically dependent on the perpetrator because she is on maternity leave, is unemployed (student) or has a low-paid job. According to the Nationwide DV hotline, 39% of women experienced economic violence in marriage and/or partnership.

34. Economic DV can be manifested in the prohibition to study, work, deprivation of financial support, total control over income. Examples include coercion to employment, prohibition to work outside the home, concealment of income, control of expenditures, coercion to financially support the aggressor, refusal to financially support children, coercion to beg, unequal spending, coercion to retire from work, deprivation of funds, financial blackmail, forging signatures, misuse of money or theft of money and property, etc.

10. Refusal to adopt a specialised DV Law

35. In 2015 the Government endeavoured to create a separate law aimed at DV prevention. This task was entrusted to the Ministry of Internal Affairs (MIA), which, together with other state bodies, started to develop the concept of draft law. In 2018, discussion of the concept with other state bodies began. The MIA established a Working Group to study relevant international experience. Working Group consisted of representatives of key state bodies and two specialised NGOs. Such co-operation can be assessed as a successful practice of NGOs, UN and state interaction, which is currently impossible.

² From the interview of victim A.

36. The development of the concept was actively opposed by (pro-) religious and pro-Russian initiatives, who collected several thousand signatures under a public petition to prohibit its adoption. The head of the Roman Catholic Church, Catholic organisations and Belarusian Cossacks openly criticised not only the concept, but the state gender policy in general.³ The Chairman of the Standing Committee on Education, Culture and Science, as well as the Chairwoman of the Standing Committee on Health Care, Physical Culture, Family and Youth Policy of the House of Representatives of the National Assembly, responsible for implementation of gender policy, publicly opposed it.

37. In October 2018, Lukashenko publicly criticised the idea of draft law, stating that it was "nonsense taken from the West", while "a good belt for a child can sometimes be useful".⁴ The MIA publicly abandoned the development of specialised law, but work to amend legislation continued.

38. The public rhetoric of the highest state officials on DV prevention remains very contradictory and inconsistent. Some of them deny the need for specialised law and the priority of the problem, while the Prosecutor General's Office pays considerable attention to monitoring the effectiveness of DV related legislation.

39. In 2023 Deputy Minister of Labour and Social Protection, stated that the problem of domestic violence "is not so acute to talk about the need for a special law".⁵ In 2023, at a meeting of law-enforcement bodies Lukashenko demanded that violence against women and children be "weeded out" from society by "the most brutal methods." "This is like fighting terrorism".⁶

11. Compliance of national legislation with the provisions of the Istanbul Convention

40. In 2018, as part of the process of developing the concept of a specialised law on DV prevention, the National Centre for Legislation and Legal Research under the Presidential Administration, conducted a study on the possibility of Belarus joining the Istanbul Convention. "The study shows that, in general, the national legislation in the sphere of gender equality, marriage and family relations, social services, labour and employment, health care, education, culture does not contradict the principles and objectives of the Convention and ... does not need to be brought into line with the provisions of the Convention."⁷

12. Repression against specialised civil society organisations

41. By December 30, 2024 there were 1,186 NGOs in process of forced liquidation, including claims for liquidation by authorities. 705 NGOs took a decision on self-

3 <https://katolik.life/rus/news/sotsium/item/3704-kondrusevich-zakon-o-domashnem-nasilii-daet-vozmozhnost-vmeshatelstva-v-semyu-chinovnikov.html>

4 <https://eng.belta.by/president/view/lukashenko-lambastes-new-domestic-violence-bill-115411-2018/>
5 <https://news.zerkalo.io/life/34124.html?c>

6 <https://belta.by/president/view/lukashenko-potreboval-samymi-zhestokimi-metodami-vykorchevyvat-nasilie-nad-zhenschinami-i-detmi-556596-2023/>

7 Report "Analysis of national legislation and organisational capacity to determine the readiness of Belarus for signing/ratification of the Istanbul Convention", 2018.

liquidation, which is primarily due to pressure on members and staff, unfavourable legal environment, and the general socio-political situation.⁸

42. All five women's rights NGOs that submitted the Alternative report on DV to the CEDAW Committee in 2016 were liquidated in 2021-2024.

43. The most experienced and well-known women's NGOs, which used a gender approach and had been working for many years, were forcibly liquidated:

(A) The international public association "Gender Perspectives", which administered a Nationwide DV Hotline from 2012 to 2021 and responded to over 15,000 calls;

(B) Radislava NGO, which ran the Shelter for Women DV Victims and their Children (2002-2022) and provided comprehensive assistance to over 550 clients;

(C) The women's social association "Provincia", which worked with elderly women victims, women from the regions, has helped more than 100 women since 1999.

44. The closure of specialised NGOs has a tangible impact on society and the situation of women DV survivors. It reduces the possibility of comprehensive assistance based on respect for human rights, victim-centred approach, and confidentiality. This is a huge gap that cannot be filled by public services. Women do not trust and do not want to apply for protection and assistance to state bodies because of violations of confidentiality, accusations from specialists and officials, and fear of taking children from the family.

45. The State does not provide direct funding for NGOs' DV work. Prior to August 2020, NGOs actively attracted international finding. As a result of repressions against NGOs, it has become unsafe to receive foreign aid and it's extremely difficult to officially register foreign grants.

46. Nevertheless, until 2020, the contribution of NGOs to the implementation of DV policy was very significant. In 2016, the total expenditures of NGOs on DV prevention amounted to 436.5 thousand rubles (USD 222.9 thousand). For comparison, the costs for the same year of 124 state "crisis rooms" to provide temporary shelter services to DV victims totalled 288.7 thousand rubles (147.4 thousand USD).⁹

47. As of 1 July 2024, a new type of licensable activity - social services in the form of inpatient social care - has been introduced.¹⁰ A licence is required for non-state actors providing such services. The period for obtaining a licence was stipulated until 1 October 2024, i.e. only three months. The licensing conditions are such that NGOs would not be able to open shelter for DV victims.

13. Limited access to state DV statistics

48. Pursuant to the Prevention Law (art. 17), state authorities and institutions record, compile, systematize and analyse data on the provision of assistance to DV victims.

⁸ <https://www.lawtrend.org/freedom-of-association/monitoring-situatsii-so-svobodoj-assotsiatsij-i-polozheniem-organizatsij-grazhdanskogo-obshchestva-v-respublike-belarus-noyabr-dekabr-2024>

⁹ Unpublished "Report on Economic Losses Due to DV in Belarus" commissioned by UNFPA, 2018

¹⁰ Law of the Republic of Belarus of 13.12.2023 No. 318-Z "On amending laws on social services and social payments". Law of the Republic of Belarus of 14.10.2022 No. 213-3 "On Licensing"

49. As a result of public criticism of the concept of a specialised law, in 2018 the MIA stopped publishing statistics on DV offences and crimes on its website¹¹, although until then it did so regularly and in sufficient details. Other state bodies also publish such statistics irregularly, the data are often not comparable, there is no disaggregation by sex/gender, age, region of residence, presence of children, disability and other characteristics.

50. The State statistics provided in paragraph 5 of the report¹² do not reflect a complete picture of the number of convicted persons for DV offences, as they include not only the number of convicted aggressors, but also other persons convicted under these articles.

51. In 2023, a group of Belarusian citizens sent a public petition to the MIA requesting to publish official DV statistics. In its response, the MIA stated that the requested information was "classified as official information of restricted distribution".¹³ While DV crimes and offences are classified as acts of public danger, the MIA sees no need to inform the public about the results.

52. Low public trust in state statistics is a problem for assessing the DV scope. During the COVID-19 epidemic, the State repeatedly distorted statistics on morbidity and mortality.¹⁴ The NGOs Coalition questions the State's statistics about 12 thousand DV victims applying to social services annually.¹⁵ This statistic was first cited in 2022 and seems implausible due to the low awareness of social service professionals on how to identify DV. The State also doesn't provide information on what DV forms victims experienced. This figure is overestimated as it may include not only DV victims, but other assisted people. Manipulation of statistics may indicate the State's desire to show that it's able to deal with DV problem without the involvement of NGOs.

14. DV as an aggravating circumstance

53. There is a double standard when the unlawful acts of aggressors against family members are assessed as less serious than the same criminal acts committed by a stranger against another person in a public space. This is despite the fact that these actions should be assessed similarly, as they are considered under the same articles of the Criminal Code.

54. These prejudices are rooted in stereotypes that internal family conflicts should not be brought to the public eye and should be resolved without the involvement of law enforcement.

55. There is a legal obstacle in the Marriage and Family Code for women addressing DV. Article 35 prohibits divorce during a wife's pregnancy and before the child reaches the age of three without the consent of other spouse. While divorce alone is not an effective way to end DV, it may be one of few options to increase a woman's safety, especially if the protection order has a limited duration.

¹¹ MIA website mvd.gov.by is not accessible for users with non-Belarusian IP address

¹² Report of Belarus to the CEDAW Committee, 2022

¹³ Response of the Ministry of Internal Affairs dated 20.03.2023

¹⁴ Report of the Belarusian Helsinki Committee "Human Rights Index in Belarus", 2020-2022

¹⁵ Report of Belarus to the CEDAW Committee, 2022

56. Women DV victims who have three or more children are particularly vulnerable if they want to divide property acquired during marriage. Large families are entitled to the state financial aid for the construction/purchase of an apartment/real estate. But when a marriage is dissolved due to DV, the local administration (executive committees) does not issue permits for the sale or exchange of residential property built with a loan or subsidies. Therefore, many women are forced to remain in a violent relationship until the loan is repaid, often they have to pay the property loan alone without the financial assistance of aggressors.

57. Another obstacle in the division of property is the amount of the state fee, which amounts to 5% of the price of the claim and is a heavy financial burden for victims. The woman is also obliged to hire an appraiser who assesses the value of the property.

58. Women who have dissolved their marriages due to DV have difficulties in determining custody of joint children. Parents have equal custody rights despite the fact that the father is violent towards the children's mother and children are witnesses. However, these circumstances are not always taken into account in court and custody of the children is awarded to the abusive spouse who has a more stable financial situation.

59. The State doesn't sufficiently understand the DV peculiarities, so it cannot offer effective means of (judicial) protection.

15. Legal assistance to DV victims

60. The Prevention Law states that DV victims have right to receive "free medical, legal assistance". According to Article 28 of the Law on Advocacy and Advocate's Activities, victims of violence have the right, on an equal basis with other citizens, to receive free legal aid at the expense of the Bar associations.

61. However, victims have limited access to free legal aid. Many victims have a poor understanding of the legal process or their rights. NGOs are not authorised to provide legal aid beyond clarification of legal terms or documents. If the justice system refuses to prosecute a case, victims have the option of filing a private prosecution. It requires victims to bear the financial cost of the court proceedings. Without sufficient legal knowledge or assistance, many victims are unaware of the possibility of pursuing a private prosecution and their cases are dismissed. Victims often lack the financial resources necessary for litigation. In property division, women victims also need free legal counselling and assistance from lawyers in drafting claims because they are economically dependent on their abusers and/or have poor level of legal literacy.

62. As a result of political repression, the availability of legal aid is decreasing. According to the Ministry of Justice, the total number of lawyers has decreased from 2,200 in 2020 to 1,602 in 2024, which is approximately 1 lawyer per 5,700 people.¹⁶ This was due to repression and the persecution of lawyers, especially those defending defendants under political articles.

¹⁶ Report "Politically Motivated Prosecutions of Human Rights Lawyers in Belarus", 2024. Human Rights Watch

16. Protection Order

63. The simplification of the procedure for issuing a protection order by police is an important but insufficient step to protect victims and hold perpetrators accountable. The protection order is still issued with the written consent of victims. This is ineffective because they are often dependent on abusers and are afraid to give such consent. Consent is also influenced by the fact that the violence may increase after the victim has reported to police.

64. The police may issue a protection order for up to fifteen days, after which it may be extended to thirty days in agreement with the prosecutor. Extension of the protection order beyond thirty days is not provided for in the Law. This is totally insufficient to resolve DV situation in majority of cases. Aggressor continues to use violence and retaliates against the victim for going to the police.

65. According to good practice standards, a protection order should last for at least one year.¹⁷ The extension of a protection order should also be possible without proof of additional acts of violence, but on the basis of the victim's fear of violence.

17. Inter-agency co-operation

66. Inter-agency co-operation on DV prevention is not of a comprehensive nature. The key role in inter-agency co-operation is played by inter-agency councils on assistance to DV victims, which operate within the framework of inter-agency co-operation Protocols.

67. The prosecutor's offices point out the following shortcomings in the work of the police: "The work ... was sometimes carried out formally, without proper coordination and co-operation".¹⁸ "In practice, the staff of the police allowed violations at various stages of the administrative process, which led to the return of administrative cases by the court for new preparation, delaying the deadlines and even the termination of cases. This meant that it was impossible to take individual preventive measures."¹⁹ "Prosecutor's inspections have shown ... inadequate organisation and conduct by police of preventive work with persons under investigation. There were revealed untimely issuance or announcement of decisions on taking persons on the preventive register, non-compliance with the frequency of preventive measures, as well as formal planning and implementation of work."²⁰

68. The NGOs Coalition is aware of numerous examples when both victim and aggressor are invited to inter-agency councils, and officials attempt to reconcile them, with the responsibility usually placed on women's shoulders. This practice contributes to additional victimisation of women and violates the confidentiality, as access to sensitive information is given to "random" people, due to non-personal composition of inter-agency councils. Women also report that officials humiliate them, accuse of provoking violence, failing to "keep the family together" and depriving children of a father.

17 <https://endvawnow.org/en/articles/416-time-limits-on-protection-orders.html>

18 <https://prokuratura.gov.by/special/media/sobytiya-i-meropriyatiya/preduprezhdenie-doma060624/>

19 <https://prokuratura.gov.by/ru/media/sobytiya-i-meropriyatiya/profilaktika-prestup2011/>

20 Ibid.

69. Despite the fact that the Prevention Law indicates NGOs as actors, they do not participate in inter-agency councils and their role is not specified in Protocols.

70. Due to political repression, criticism of the State DV policy is impossible and even prohibited. One of the Protocols demand "Exclusion of the facts of publications that may contribute to the creation of negative attitudes towards the work of DV prevention subjects and discredit the authorities".²¹

18. Register of DV cases

71. According to the Prevention Law, DV information is recorded in a special Register.

72. The NGOs Coalition believes that the requirements to register DV information are redundant and may contribute to disclosure of sensitive and confidential information about victims. Information about victims includes identification number, surname, first name, date and place of birth, education, place of work (study) and position, place of residence and contact telephone number.

73. The Register also includes the personal data of citizens who reported the incident. Since many bystanders prefer to remain anonymous, collecting and storing their personal data will reduce their motivation to report violence in the future. The purpose for which this information is kept in the Register (5 years) is unclear.

74. According to NGOs Coalition, DV information is often prepared by specialists on paper, which undermine confidentiality.

75. Numerous law enforcement agencies have access to the Register²², including the State Security Committee, the Presidential Operational and Analytical Centre, the Presidential Security Service, and state mass media, which are specified in the Prevention Law as actors.

76. In context of political repression, information in the Register can serve as an additional means of blackmailing DV victims who are politically active.

19. DV and children in socially dangerous situations

77. When authorities receive DV information in a family with children, they conduct a social investigation.²³ This measure is designed to protect a child, but in practice officials put all the responsibility on women.

78. Police officers warn women who want to report DV that all information must be passed on to other state bodies because of children in the family. Social investigation includes finding out the circumstances of child's life and the relationship between father and mother. If father uses violence against the child's mother, the family is recognised

21 Protocol of Inter-agency co-operation on DV Victims Assistance of Gomel Regional Executive Committee, 2024

https://s3-minsk.cloud.mts.by/datastorage/10rechica/library/ПРОТОКОЛ_о_взаимодействии.pdf

22 Decision of Belarus Council of Ministers No. 27 of 11 January 2023 "On the functioning of the register of DV information".

23 Decision of Belarus Council of Ministers No. 22 of 15 January 2019 "On the Recognition of Children at Risk"

as dysfunctional and the child as being at risk. At the same time, it is the child's mother who is responsible for "normalising" the family situation, otherwise child may be placed by authorities in a children's shelter as being in need of state protection. Thus, a woman is "punished" twice, both from the aggressor and from the state, which accuses her of not fulfilling maternal duties.

79. The father of a child has equal rights to raise the child, even if he is DV perpetrator. State authorities and NGOs are obliged to inform the father about child's place of living if he is staying with mother in "crisis room", otherwise the father can file a report to search for the child.

80. The provision on children's rights protection is used by authorities to control politically active women.

20. State social services and "crisis rooms"

81. Social services and "crisis rooms" do not provide specialised services for DV victims. In 2022 and 2023, among all those who received "crisis room" services, only about half were DV victims.²⁴ Abused women may share a room with men who are also receiving crisis room care, which can re-traumatise women and undermine confidentiality. There have been cases of DV perpetrators living in "crisis rooms".

82. Some "crisis rooms" don't have a secret address because they are located on the basis of homes for veterans and pensioners. The "crisis room" in Gomel region is located at the "Point of Temporary Accommodation, Psychological and Social Adaptation of Refugees", which has a public address.

83. The State is developing a network of "crisis rooms" throughout the country, but their effectiveness is low, especially in small towns and rural areas, where the fact of placement in a "crisis room" quickly becomes public knowledge.

84. Social services conduct "material and living situation survey" of DV victims.²⁵ This approach may be justified if victims are in a difficult financial situation. In most cases, such an examination is an intrusion into personal life, creates additional bureaucratic barriers and hampers access to assistance.

85. After the liquidation of specialised NGOs, training of specialists of social services has practically stopped. There is also a high turnover of personnel. Inexperienced specialists don't know DV specifics and how to provide assistance, have strong personal prejudices instead of professional competences. "The identification of victims remains a difficult task for the staff of social centres."²⁶ Staff are often overloaded with administrative duties and are forced to work outside of normal working hours. In some "crisis rooms" the publicly displaced phone numbers belong to staff, as the management doesn't provide with work mobile phone and pay for communication services.

²⁴ Belarus report on progress in implementation of the Beijing Declaration and Programme of Action on the occasion of 30th anniversary of the Fourth World Conference on Women

²⁵ Algorithms for providing assistance to population in DV situations. UNFPA, the Ministry of Labour and Social Protection. 2024

²⁶ <https://belta.by/society/view/mintruda-ezhegodno-bolee-12-tys-postradavshih-ot-domashnego-nasilija-obraschajutsja-v-ttsson-602305-2023/>

86. In 2016-2018, prosecutor's offices, when conducting inspections of "crisis rooms", pointed out violations that it provided services to DV victims who didn't report incident to police, thus victims were not eligible to receive services.

21. Correctional programmes for DV aggressors

87. The correctional programme is conducted with the consent of perpetrators. The Prevention Law contains a provision that psychological assistance to aggressor with his consent can be provided with the participation of victim. This provision is not grounded in best practices, because it may increase confrontation between the abuser and the victim.

88. In 2014, with the support of UNFPA a National Model for Comprehensive Work with Male Aggressors was developed. However, it has not been approved as an official programme for use by state institutions. Therefore, it is not reliably known what guidelines the state actors use in their work. It is also unclear who is responsible for organising such programmes. When social centers conduct correctional programmes, it creates the conflict of interest if the same specialists work with both the victim and the aggressor.

22. DV and vulnerable groups

LGBTQI+

89. In February 2024, the Attorney General introduced a bill for administrative liability for "propaganda of non-traditional family relations", including "propaganda of abnormal relationships, paedophilia and voluntary abandonment of childbearing", targeting women and LGBTQ+ people.²⁷ The Resolution of the Ministry of Culture dd. 19.03.2024 N24 defines same-sex relations as "non-traditional sexual relations and/or behaviour" along with paedophilia and sadism.

90. As a result of state homophobic policies, the situation of LGBTQI+ community has become even more vulnerable, and they have further hidden the DV problem.

Older women and women with disabilities

91. These women have higher vulnerability because they are often dependant on family caregivers and DV is latent.

92. According to the Nationwide DV hotline, more than 30% of elderly people were mainly subjected to DV by their adult children.

93. Older women are reluctant to report to police because of shame at having raised their children so poorly, economic and other dependency, fear of losing their homes, and threats of more violence. Women with disabilities are often poorly informed, both about the DV problem and how they can protect their rights due to mental or physical disabilities. The State does not use "easy-to-read language" in communicating with older

²⁷ Report of the Special Rapporteur on the situation of human rights in Belarus. 2004

people and people with disabilities, and legal language is difficult for them to understand and use.

Women raising children

94. According to a Nationwide DV hotline 80% of women had 1-2 children.

95. Women with children are more vulnerable due to limited economic resources, which affects their ability to pay for legal aid. Their attempts to seek help from police end up with children being recognised in "socially dangerous situation", without offering effective response.

DV in small towns and rural areas

96. The DV situation in small towns and rural areas is particularly catastrophic, although there are no state or alternative statistics. Women in rural areas are often economically dependent on abusive partners, as well as on their assistance in the household. In small communities, people know each other well and women hide DV, especially if aggressors lead socially acceptable lifestyles. Corruption talks place between aggressors and policemen: "The policeman went for a smoke with my husband, against whom I wrote a report for beatings. They exchanged jokes and laughed, and I realised that nothing would work.²⁸

97. In rural areas, professionals are the least informed and trained. "Crisis rooms" are particularly ineffective in rural areas due to the inability to ensure confidentiality.

98. NGOs Coalition states, that the smaller the settlement in which a woman lives, the later she seeks help elsewhere. There is a problem that the courts are located in district centres, which are distant from the victims' residence, and they do not have enough money to pay for transport costs. There is also a problem of alcohol addiction, both among aggressors and victims, which aggravates the situation.

23. Awareness-raising campaigns and training for professionals

99. The state conducts an annual awareness raising campaign "Home without Violence". This action is conducted formally and without involvement of specialised NGOs. The campaign doesn't have a focus, for example, the general public was not sufficiently informed about the amendments of the Prevention Law. It seems that the State is not interested in informing women about their rights and ways to protect them against DV.

100. The formal attitude towards the campaign is also proved by the fact that even in 2024 some state institutions websites refer to the Nationwide DV hotline, closed by authorities in 2021.

101. According to survey "Civic Engagement in Belarus in 2024", awareness of services assisting women DV survivors is 19% compared to 55% of those who know about services helping animals.

102. 14.1% of residents of Minsk region know nothing about DV. 78.3% of respondents believe that the key cause is the use of alcohol. There is a misunderstanding that alcohol

²⁸ From an interview with victim K.

is not the cause of violence, but only a factor that reduces self-control and provokes to solve problems by violence.²⁹

103. After the liquidation of specialised NGOs, training of specialists was significantly reduced because NCOs offered variety of programmes. Training of psychologists and social work specialists of state social services continues with the support of UNFPA. However, law enforcement staff, lawyers and health professionals don't participate in them. There is a high staff turnover in social centres due to low wages and high workloads, and newcomers need a constant training. Victims have low level of trust in social services because of low professional level and failure to respect the confidentiality. "The psychologist at the social centre told me that I have a secondary benefit since I tolerate abuse for so long. But we have a housing loan for 20 years, and if I divorce, me and my children could lose apartment. So, she has no idea how victims of violence live."³⁰

²⁹ Survey on opinion of Minsk region population on DV, 2023. 14,188 questionnaires processed

³⁰ From an interview with victim D