

BELARUS

LIST OF ISSUES ON THE IMPLEMENTATION OF CEDAW

SUBMISSION PREPARED BY THE BELARUSIAN HELSINKI
COMMITTEE FOR THE 83RD PRE-SESSIONAL WORKING GROUP
OF THE CEDAW



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INTRODUCTION

This submission was prepared by the Belarusian Helsinki Committee and other NGOs¹ for the 83rd Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women and contains information on a wide range of issues related to the realization of women's rights in Belarus as well as a list of questions that in our opinion it would be useful to ask the Belarusian authorities.

We would like to highlight that during 2021 Belarusian civil society organizations and initiatives, including those who were engaged in the protection and promotion of women's rights, were subjected to various forms of repression: administrative and criminal prosecution of their members, unreasonable requests for information, inspections, searches, coercion to make a decision on self-liquidation, forced liquidation. This had a negative impact, among other things, on the protection of women affected by domestic violence, on women's participation in public and political life.

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¹ Other NGOs took part in the preparation of the report, but they, for security reasons, asked not to publish information about them

EQUALITY AND NON-DISCRIMINATION

1.1. In 2019 it became known that the government recognized that it was inappropriate to adopt comprehensive anti-discrimination legislation.

1.2. The lack of comprehensive anti-discrimination legislation continues to be one of the reasons why women are unable to fully exercise the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women. In the absence of the comprehensive anti-discrimination legislation, a definition of indirect discrimination, a universal ban on discrimination in all spheres of life, a requirement for mandatory anti-discrimination expertise in the process of drafting regulations, as well as effective remedies, State equality policies are not able to provide protection against direct and indirect discrimination effectively, therefore women² are not able to exercise and protect their rights effectively.

1.3. One of the significant problems in the implementation and protection of the right to equal treatment and non-discrimination is the lack of effective mechanisms in Belarus for considering claims of discrimination. At the moment, there is still no special body in Belarus that could consider cases related to discrimination against women, and the only way to protect their rights is to go to court. However, due to the fact that the pure positivistic and technical approach to the law application (absence of interpretation culture) prevails in legal and judicial practice, as well as the lack of consolidation of various forms of discrimination in legislation, except for one rather controversial definition in article 14 of the Labour Code, it makes difficult to use recourse to the court as a tool to protect the right to equal treatment.

Questions

How, in the absence of a comprehensive anti-discrimination law and effective remedies, can the state policy in the sphere of equality effectively provide protection of women from direct and indirect discrimination?

What mechanisms for protection against discrimination of women are available in the State party?

Have there been any court decisions on the discrimination against women?

² Hereafter we use “women” or “woman” as umbrella word for all women and people who identify themselves as women, gender nonconforming persons, queer women.

ACCESS TO JUSTICE

2.1. There are still some serious issues in Belarus that undermine judicial independence and impact the realization of the right to a fair trial³.

2.2. The political crisis that arose in Belarus after the presidential elections in August 2020 also had a significant impact on the access of citizens of the Republic of Belarus to independent justice. At the moment, 117 women have been recognized by Belarusian human rights organizations as political prisoners, including due to the lack of proper access to justice.

2.3. The COVID-19 pandemic has also had a significant impact on access to justice. Many court sessions took place in an online format and their organization was fast and crumpled, which violated the right of the defendants to a high-quality examination of the case. Many cases, for example, on the charges of T.L., M.T. and M.K., were considered in closed mode. The current government justified it precisely by the pandemic as well as the need to protect State secrets, but in practice it became a violation of the rights to a fair trial, because the public could not be convinced of the quality of the trial.

Questions:

Is it planned and, if so, at what time, the creation of a special body to consider complaints of discrimination?

What measures have been taken to ensure effective access to justice for women, in particular women accused in cases involving participation in peaceful assemblies?

Please, explain, how the right to a fair trial is ensured, in particular, the right to be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law in relation to women in cases involving participation in peaceful assemblies, and, in particular, what grounds have been used for holding closed court sessions in such cases.

What measures have been taken to respect and ensure fair access to justice in an unstable situation in the context of a pandemic?

³ for further information see the Alternative report by National Human Rights Coalition on implementation of the International Covenant on Civil and Political Rights in the Republic of Belarus, represented to the 124th session of the UN Human Rights Committee: https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BLR/INT_CCPR_CSS_BLR_31288_E.pdf, para. 92-101

NATIONAL HUMAN RIGHTS INSTITUTION

3.1. The authorities have not demonstrated progress in establishing a national human rights institution. It was planned to study the feasibility of the creation of such an institution. However, the process of studying this issue was not public, civil society organizations were not informed about the results of the work. At the moment, there are no discussions in the public space about the creation of such a body. Nevertheless, the need for such a body was proved by the events after August 2020.

Questions:

Is there a plan to create a national human rights institution?

How, in the absence of such a body, the State guarantees the protection of human rights and, in particular, women's rights, at the national level?

CIVIL SOCIETY, INCLUDING WOMEN HUMAN RIGHTS DEFENDERS

4.1. The political crisis that emerged in the country after the elections in August 2020 had a significant impact on the entire civil society, including human rights activities. The unprecedented violation of human rights in the country was associated with the condemnation of a large number of human rights defenders and representatives of civil society only for an alternative position to the current government. As noted above more than 117 women were recognized as political prisoners. Among the political prisoners are, among others, right defenders T.L. and M.R., journalists E.B., E.A., journalists of the main independent news portal TUT.by M.Z., E.T., O.L. and others, representative of Viktor Babariko's election headquarters M.K., whose convictions were illegal and politically motivated. The penalties imposed by the courts in cases of human rights defenders and representatives of civil society were disproportionately high, and the conditions for considering their cases were discriminatory, because they often did not have access to lawyers, could not file complaints of pressure and torture and the cases were considered in closed mode.

4.2. Also, many organizations, defending women's rights in Belarus, were liquidated or were forced to liquidate due to pressure from the current government, and many of their participants were detained and charged with various crimes, including, for example, organizing terrorist activities.⁴ In particular, the "Center for the Promotion of Women's Rights – Her Rights", which participated in the preparation of an alternative report within the third

⁴ <https://spring96.org/ru/news/105859>

cycle of the Universal Periodic Review,⁵ the International Public Association “Gender Perspectives”, which led a nationwide hotline for victims of domestic violence,⁶ and others were liquidated. Preliminary court hearing at the Supreme Court of case on liquidation of the Public Association “Radislava”, which was engaged in helping women victims of domestic violence, is scheduled for March 9, 2022. It is obvious that such pressure on women human rights defenders is incompatible with international human rights standards.

4.3. Also, women human rights defenders were subjected not only to physical violence, but also to increased psychological pressure and threats, which were based, among other things, on their gender. For example, after the distribution of contacts of the right defender M.R., she received multiple calls offering sexual services.⁷ All of the above examples of pressure on women confirm the existence of such a problem in Belarusian society, since women, in principle, are in a more vulnerable position and are more often subjected to violence, and women human rights defenders are in an even less protected position.

Questions:

What actions have been taken by the State to increase the level of protection of civil society and women human rights defenders in a political crisis?

What actions have been taken by the State to investigate cases of violations of the rights of women human rights defenders?

Explain the reason for the liquidation of civil society organizations that were engaged in the protection and promotion of women's rights

Which NGOs that protect women victims of domestic violence continue their activities in Belarus?

STEREOTYPES

5.1. There are gender stereotypes in Belarusian society that have been inculcated from childhood. The existence of gender stereotypes is confirmed by numerous offensive statements towards presidential candidate Svetlana Tikhanovskaya during the 2020 election campaign, which were mainly based on her gender identity.

5.2. The school curriculum still involves the separation of some subjects for boys, who are engaged in wood carving, and girls, who are taught to perform

⁵ A/HRC/WG.6/36/BLR/3, JS4, <https://undocs.org/A/HRC/WG.6/36/BLR/3>

⁶ The nationwide hotline for victims of domestic violence, administered by the “Gender Perspectives” NGO, has received almost 15 thousand calls (data as of October 1, 2020): <https://genderperspectives.by/en/programs/domestic-violence/activity/>

⁷ https://nash-dom.info/lib/browse/woman_repressions_2019

various household duties, moreover, in the official documentation of the Ministry of Education of the Republic of Belarus, the subject for boys is called “technical work”, and for girls - “service work”.⁸ In January 2019 the Ministry of Education implemented the program for the elective course “Fundamentals of Family Life” for high school students from 9-11 grade. The course promotes “traditional values” and gender stereotypes. It does not cover many basic but essential issues about sexuality and reproductive health and rights. The elective course is not mandatory⁹. At the same time, women continue to face stereotypes throughout their entire life and in further education. For example, on social networks, can be found a large number of stories of girls from technical specialties, who were told that it was all “not a woman’s business” and that they came to the university to arrange a personal life.¹⁰

5.3. The State does not take any steps to combat stereotypes. Moreover, statements by state officials encourage stereotypical thinking in society rather than fight it. For example, de facto the head of Belarus A. Lukashenko stated that “a woman’s vocation is to beautify this world, and a man’s vocation is to protect this world and women.”¹¹ The State also does not carry out any educational initiatives to combat stereotypes in society, and this responsibility falls entirely on non-governmental organizations, that carry out various activities aimed at combating discrimination and inequality, but the State does not provide them with any support, including financial and advertising. On the contrary, numerous liquidations of non-governmental organizations after the political crisis in August 2020 also affected well-known organizations that fought against discriminatory stereotypes in society.

Question:

What steps have been taken by the State to combat stereotypical thinking in society?

GENDER-BASED VIOLENCE AGAINST WOMEN

6.1. There is still no single legislative act prohibiting all forms of violence against women in Belarus. The current government does not see the expediency in adopting such a law, and de facto the head of Belarus Alexander Lukashenko criticized even the draft of such a law.

6.2. Women, in principle, are initially in a vulnerable position. According to a study by the National Academy of Sciences of the Republic of Belarus commissioned by the UN Population Fund, every second woman in Belarus has been subjected to some kind of violence at least once.¹² In a situation of political crisis, a female activist is in an even more vulnerable position, since

⁸ <https://nash-dom.info/71365>

⁹ <https://pravo.by/novosti/novosti-pravo-by/2019/january/32231/>

¹⁰ <https://www.the-village.me/village/culture/reaction/270061-dama>

¹¹ <https://nash-dom.info/58678>

¹² <https://belarus.unfpa.org/ru/publications/>

she may initially be exposed to violence more often than men, including sexual violence.

6.3. The violence used by the police to combat peaceful protests affected the entire population of the country, including women, who were active participants in all the events taking place. The number of cases of physical, psychological and sexual violence against activists and civilians is even difficult to count. According to all such statements, criminal cases have still been refused, and many activists are still in prisons and their conditions of detention do not meet international standards.

6.4. The case of O.G., a women's rights activist, the specialist at the NGO "Radislava" is indicative. O. has been kept in the detention center on Okrestino street, which is distinguished by the special cruelty of the staff. On December 8, 2021, she was included in the list of prisoners "prone to extremism and other destructive activities". She also went on a hunger strike for more than two weeks because of the inhumane conditions in the detention center. She noted that there is almost no heating in the cells, prisoners are not provided with mattresses, and there is also no sanitary regime. There is also forced sleep deprivation: employees turn on loud music every two hours to prevent prisoners from falling asleep. O. also noted that she receives threats, including threats of sexual and sexualized violence. Also, personal searches of female prisoners are carried out by men, according to her.

6.5. Thus, the lack of protection of women from violence in the State leads to a violation of their rights, and in cases where several factors collide, including the political situation and imprisonment, women remain absolutely defenseless.

Questions:

What steps have been taken by the State to reduce cases of violence against women?

What protection is provided to women prisoners and how is their situation monitored in places of detention?

How are cases of confirmed violence against women by the police investigated after the events in August 2020?

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

7.1. Despite the fact that the number of women in local government is 48% according to data from 2019, and Belarus is in the list of countries with a large number of women in politics in this regard¹³, in practice, the role of women in public life is more strictly formal than a real influence on political decisions.

¹³ <https://news.un.org/ru/story/2019/08/1361021>

7.2. To illustrate the disrespectful attitude towards women in politics in Belarus, it is enough to pay attention to the statement of state officials. For example, A. Lukashenko stated that the Constitution of the Republic of Belarus is not suitable for a woman¹⁴, that “society is not ready to vote for a woman”, that he is not at war with women and that he has nothing to debate with Svetlana Tikhanovskaya (his opponent in the 2020 elections), because “she has just finished frying cutlets and can not say anything without papers.”¹⁵ Such an attitude towards a woman in politics is expressed even by women in politics themselves. For example, the former chairman¹⁶ of the Central Election Commission Lidiya Yermoshina stated that “instead of walking around the squares, women should cook” and that “when choosing between a man and a woman for a leadership position, preference should be given to a man.”¹⁷

7.3. During 2021, a number of legislative acts were adopted that significantly worsened the situation of Belarussian civil society organizations, including those who are engaged in the protection and promotion of women’s rights. Essentially, the cooperation of civil society organizations with the UN treaty bodies, including CEDAW, involving providing information on the situation with women’s rights, today could be considered in accordance with the new amendments to the legislation, as a criminal offense under Article 361 of the Criminal Code of the Republic of Belarus (calls for actions aimed at harming the national security of the Republic of Belarus).

7.4. On January 21, 2022, amendments to the Criminal Code came into force, which returned criminal responsibility for organizing and participating in the activities of unregistered or previously liquidated organizations (art. 193-1). The text of the article is almost identical to that which existed before 2019. The same penalty is restored as in the previous edition of Article 193-1: a money fine, or arrest for up to three months, or imprisonment for up to two years.

Questions:

How is the opportunity of women to participate in the political life of the country supported in conditions of disrespectful attitude towards women?

To ensure what legitimate purposes criminal liability has been introduced for organizing and participating in the activities of unregistered organizations?

Does the Government intend to use the recently introduced amendments to the legislation to punish NGOs that cooperate, in particular, with CEDAW?

¹⁴ <https://spring96.org/ru/news/97360>

¹⁵ <https://nashaniva.com/?c=ar&i=256683&lang=ru>

¹⁶ She was chairman of the Central Election Commission from 1996 to 2021

¹⁷ <https://nashaniva.com/?c=ar&i=281682&lang=ru>

EDUCATION

8.1. As mentioned earlier in paragraph 5.2. education is heavily influenced by gender stereotypes, which are not solved by the current government. For example, in Belarus in a number of state universities, such as the Military Academy, the Institute of the border service, the Command and Engineering Institute of the Ministry of Emergencies, the Military Faculty of the Belarusian State University, there is still a separate competition in free places: there are different passing scores for women or, in principle, the university does not accept girls.¹⁸ There are no discussions about improving this situation at the moment.

Question:

What measures have been taken and are there plans to change the education system to ensure equality between men and women?

EMPLOYMENT

9.1. The list of prohibited work for women still remains.

9.2. The current practice of the unfair distribution of household responsibilities, formed under the influence of accepted gender roles in society, reinforces the unequal position of women in the labor market. Discrimination in the labor market is an actual and widespread problem: 85.0% of Belarusians (89.6% of women and 80.4% of men) faced it¹⁹. None of the social groups is immune from infringement of their rights, but the most vulnerable groups are married and unmarried women under the age of 35 without children, women with children under the age of 10 and women on parental leave. The risk of discrimination increases among respondents aged 35-44 and people with higher education. The most common type of discrimination is discrimination in employment: 73.8% of women find themselves in such situations²⁰.

9.3. The right to long-term parental leave (up to 3 years) is enjoyed almost exclusively by women, which corresponds to the continuing cultural concept of motherhood, it is the woman who is responsible for raising the child, including during long-term maternity leave. When looking for a job, women are often subjected to questions about their marital status, whether they have children, etc.²¹

¹⁸ https://adcmemorial.org/wp-content/uploads/BelW_ruWWW.pdf

¹⁹ Artemenko E. K. The results of the study of the situation in the field of gender discrimination in the labor market and in hiring [Electronic resource]. – 2019: <https://genderperspectives.by/programs/Otchet%20isledovanie.pdf>

²⁰ Ibid.

²¹ Ibid.

9.4. The problem is further exacerbated by the lack of unconditionally available public day-care nurseries, which would allow working women to return to work. The existing system of day-care centers (‘учреждения дошкольного образования’) is only partially available as they accept children from 2 months to 3 years of age, but only if there is enough demand for forming a group of a particular age. This results in the fragmented availability of the services only in specific city areas and only for children of a particular age group²².

9.5. The introduction, in 2015, of a national tax under Presidential Decree No. 3 on Preventing Social Dependency, which is payable by persons who are unemployed in order to refund government expenditure and imposed on parents outside the labor market who are caring for children above 7 years of age, and disproportionately affects women, given that they are disproportionately involved in child-rearing and household responsibilities²³.

9.6. According to statistics from the National Statistics Committee of the Republic of Belarus, women earn on average 76.2 percent of the salary of men²⁴. In the majority of cases, women do not assert their right to equal pay for equal work. The existing practices of inequitable distribution of household responsibilities, formed under the influence of the accepted gender roles, continue to be a reason for women's unequal position in the labor market.

9.7. As a result of such gender stereotypes, women have a low opinion of themselves and thus do not even question why they earn less than their male colleagues.

9.3. Finally, most women just do not know how to stand up for their rights to equal pay and fear punishment from their employer and loss of employment if they do this.

Questions:

What steps have been taken to ensure that women have equal access to all professions of their choice?

What measures were undertaken for reducing the gender wage gap, including by addressing occupational?

Has the government taken measures to prohibit questions about marital status and parenthood during job interviews?

²² See further in Anti-Discrimination Centre Memorial and Her Rights Center, Alternative Report on Compliance with the Convention on the Elimination of all Forms of Discrimination Against Women by Belarus, 65th session of the UN CEDAW, 2016: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BLR/INT_CEDAW_NGO_BLR_25387_E.pdf, p. 5

²³ *ibid.*

²⁴ Alternative Report on Compliance with the Convention on the Elimination of all Forms of Discrimination Against Women by Belarus Prepared by the Anti-Discrimination Centre Memorial with the assistance of Her Rights Center For the 65th session of the UN CEDAW, 2016, [INT_CEDAW_NGO_BLR_25387_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BLR/INT_CEDAW_NGO_BLR_25387_E.pdf) (ohchr.org)

Have amendments been made to Presidential Decree 3 to prevent discrimination against women who do not work because they are caring for children?

SEXUAL HARASSMENT IN THE WORKPLACE

10.1. Current legislation does not provide adequate protection against sexual harassment in the workplace. There is no definition of sexual harassment in the legislation. Moreover, sexual harassment in the workplace is underreported, owing to a fear of stigmatization and dismissal on the part of women. The high number of victims of sexual harassment in the workplace have been dismissed or pushed to resign following such harassment.

10.2. The Her Rights Center has anonymous evidence of instances of sexual harassment and other actions of a sexual nature in the workplace. Due to the peculiarities of Belarusian society, many women are subjected to harassment and accusations that they provoked the aggressors themselves. As a result, they do not apply for protection of their rights, because they feel guilty or ashamed. Accordingly, they are deprived of the opportunity to receive any compensation from the State as victims of violence. Another reason that victims do not protect their rights is that they do not believe in the system and law enforcement agencies. Victims of sexual crimes completely conceal the facts of sexual harassment, violence, because they are afraid of repeated traumatization²⁵.

10.3. Several years ago, online surveys were conducted where over 50 percent of women confessed that they had experienced some form of sexual harassment at work. Over 20 percent of the victims said that they resigned or were fired after an incident. Overall, though, the topics of sexual harassment, sexual advances, and behavior degrading to women have been poorly researched – the facts are suppressed, and no one knows the true extent of the problem. Belarus currently lacks any judicial practice with these kinds of cases²⁶.

Questions:

What protection mechanisms are available for women of sexual harassment in the workplace?

What measures have been taken to ensure conditions for women to report crimes related to sexual harassment?

²⁵Alternative Report on Compliance with the Convention on the Elimination of all Forms of Discrimination Against Women by Belarus Prepared by the Anti-Discrimination Centre Memorial with the assistance of Her Rights Center For the 65th session of the UN CEDAW, 2016, [INT_CEDAW_NGO_BLR_25387_E.pdf \(ohchr.org\)](#)

²⁶ *ibid.*

Does the state plan to reverse potential victims of sexual harassment of the burden of proof?

HEALTH²⁷

11.1. Politically motivated repressions against doctors after August 2020 have led both to their mass dismissals and, among other things, to the outflow of qualified medical personnel from the country, which, in turn, leads to a shortage of medical personnel in all areas of healthcare and negatively affects the provision of medical care, including for women.

11.2. Since 2018, the trend of interference of religious organizations in the health care system has been increasing, when family planning turns into a fight against abortions, their gradual prohibition. There is a practice when representatives of religious organizations conduct a "conversation" with women about abortions and their harm, using, in fact, psychological violence.

11.3. The right of a woman as a subject and holder of rights is limited, many decisions are made without the knowledge and consent of a woman, often against her will. In the field of obstetrics and gynecology, a woman is an object rather than a subject. As a result, overprotection by the state has a negative impact on a woman, on her rights. Often, doctors persistently "advise" to terminate a pregnancy based on a woman's personal social status, for example, such offers are received by women who use drugs, alcohol, HIV-positive women, women with hepatitis, etc., which is a stereotypical and discriminatory attitude towards the patient.

11.4. During the COVID-19 pandemic, there was a lack of places in obstetric departments, as well as overprotection of women, who were contacts of 1st grade, for example, they were forbidden to breastfeed their children, despite the absence of such recommendations from the WHO.

11.5. There are no awareness-raising programs regarding the importance of the use of contraceptives. Education at schools on sexual and reproductive health and rights provided by the state is limited to the course on biology with limited hours and to the elective course on "Fundamentals of Family Life". The information provided there does not contain relevant, accurate, correct and up to date information on the topic, for example, there is lack of information on contraception, its types, abortion is seen as a "sin", no access to the information needed for LGBT+ community, etc. Therefore, girls and women do not have access to the relevant and correct information concerning their health and sexual and reproductive rights.

11.6. There is practically no access to no access to the Human Papillomavirus (HPV) vaccine which prevents most cases of cervical cancer. In addition, the

²⁷ For more information on women's right to health, see the commentary on the 2019-2020 National Human Rights Index peer review on the right to health:
https://belhelcom.org/sites/default/files/13._pravo_na_zdorove_2019.pdf
https://belhelcom.org/sites/default/files/13._pravo_na_zdorove_2020.pdf

authorities are not making sufficient efforts to inform women about the importance of early diagnosis of breast cancer and cervical cancer.

Questions:

Provide information about the situation with the shortage of medical personnel, including in connection with the politically motivated dismissal of doctors after August 2020.

What measures has the government taken to raise awareness of the importance of using contraceptives?

Has the government taken steps to expand access to safe and affordable modern contraceptives throughout its territory?

Does the government educate women on the importance of regular health check-ups to promote early detection of breast and cervical cancer?

ECONOMIC AND SOCIAL BENEFITS

12.1 As a result of the pension reform, the length of work experience (i.e. the total duration of the insured person's working life during his/her lifetime, in which state social insurance contributions were paid) required for receiving a pension was increased from 5 to 16 years. The change came into force within 2 years (from 2014 to 2016)²⁸ and the term of the required length of service will continue to grow until it reaches the requirement of 20 years of experience in 2025.

12.2 The reform also increased the retirement age and the age of receiving a social pension. At the same time, the reform did not provide for exceptions or a transition period for people who reached retirement age during the implementation of the reform and have a sufficient amount of insurance experience under the old rules (at least 5 years), but have not reached the requirements of the experience under the new rules. These people could not receive either a social or an old-age pension on a general basis for almost 5 years. The pension reform has hit particularly hard on women who have been engaged in socially useful activities for long periods of time (for example, caring for a child until they reach the age of 3, caring for group 1 people with disabilities and the elderly), who, according to the national legislation, are not included in the insurance record²⁹. Only in 2020, such people received the right to receive a pension with incomplete insurance experience upon reaching 60 years for women and upon reaching 65 years for men. However,

²⁸ First from 5 to 10 years, then from 10 to 15.5 years. For more information about the problem, see <https://www.pensii.belhelcom.org/en/>

²⁹ see also Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Belarus, CEDAW/C/BLR/CO/8, para. 38-39

the size of the pension with incomplete insurance experience, although it exceeds the size of the social pension, is nevertheless extremely low and does not allow such pensioners to exercise their right to an adequate standard of living³⁰.

Questions:

What steps has the State Party taken, or is planning to take, in order to ensure the right to social assistance of those who are no longer eligible for it despite reaching their retirement age during the reform period (2014-2016) and having met the previous minimal insurance period threshold, but not the newly required period of insurance? Are these people eligible to receive benefits from the targeted social assistance program? If so, for how long can they receive it?

What steps has the State Party taken, or is planning to take, in order to increase the number of social pensions to the level of the subsistence wage for pensioners?

RURAL WOMEN

13.1. Rural women encounter problems of achievement of equal status with men in labor activity. There is obviously a discrepancy in the supply and demand of labor in the labor market in rural territories of Belarus in vocational and gender measurement. Gender stereotypes exist which lead to discrimination by employers.

13.2. Unfortunately, there are not enough programs of employment of the population have been developed in Belarus for maintenance of employment and social protection from unemployment annually. De-facto these measures do not adequately lower female unemployment, do not involve long-term unemployed women in work, do not lower the duration of unemployment and as result it affects the situation in the labor market.

Questions:

What measures has the government taken to empower rural women and ensure their economic and social independence?

³⁰ The size of the social pension for people who have reached the age of 60 for women and 65 for men who have not been assigned a general retirement pension is 144 belarusian rubles, or about 57 US dollars:

<https://mintrud.gov.by/system/extensions/spaw/uploads/files/sotsialnye-pensii-nojabr-2021.pdf>. At the same time, the average age pension of a non-working pensioner is 545 Belarusian rubles or 216 US dollars: <https://www.mintrud.gov.by/ru/infa2/>

Has the State succeeded in reducing the gender pay gap in the agricultural sector?

Is there an appropriate number of childcare facilities in rural areas to balance work and family responsibilities for rural women?

DISADVANTAGED GROUPS OF WOMEN

Women with disabilities

14.1. The right to work of women with disabilities can only be exercised after the examination by a medical expert commission that gives 'recommendations' that consist of restrictions on types of allowed work. Not all of the restrictions and prohibitions are justified as experts rely on outdated information on professions 'matching' a specific diagnosis.

14.2. The right to work of women with mental illness is de facto barred by their registration in dispensaries, although no such formal restriction exists. Women with a disability whose mental capacity ('дееспособность') have been limited are not able to exercise their right to work in any way regardless of the form of such limitation, be it partial or full. Also, a list of prohibited professions continues to apply to women, which puts women with disabilities in an even more vulnerable position.

14.3. The existing instruments facilitating employment for women with disabilities include job reservations, vocational rehabilitation, and compensations for the creation of a specialized working space; all of them are implemented by employers. The current legislative design of the mechanism of job reservations is ineffective as the request for a reservation sent to an employer is not mandatory and can be rejected; when accepted, employers reserve only low-qualified and low-paying positions; no system of monitoring and coordination of specialized jobs exists; conditions for labour mobility of women with disabilities are not created.

14.4. There have been no known court decisions on the protection of a person with a disability from discrimination in their exercise of labour rights.

Questions:

What are the criteria and instruments used for the assessment of the level of discrimination based on disability in the labour market?

What is the reason for the lack of legislation governing 'specialized' companies that employ women with disabilities not able to compete in the labour market?

What steps has the State Party taken to ensure that the right to work of women with disabilities can be exercised to its full extent?

Who is representing the interests of the female workers with disabilities?

Women in detention

15.1. The conditions of detention of women do not meet international standards and can be qualified as torture and ill-treatment.

15.2. After the 2020 presidential elections, mass protests took place, during which thousands of Belarusian citizens, including women, were detained. Many of them were subjected to torture and other cruel and inhuman treatment, but were not protected by the State. For example, a case has become widely known, when 10 women were forced to go on hunger strike in a cell to protest against inhumane living conditions, but instead of help, they faced regular threats from the prison staff.³¹ Numerous cases of physical, psychological and sexual violence against detained women have been noted³².

15.2. From July 2020 to the present time, citizens, arrested for political reasons, have been kept in unsanitary conditions in the Center for the Isolation of Offenders: depriving them of the opportunity to use toiletries and hygiene products, without bedding and mattresses. Employees of the detention centers ignored the basic needs of women in personal hygiene items. Such actions were aimed at forcing women to abandon their subsequent participation in peaceful protests.

15.3. The radio in the cells, which is constantly turned on at full volume, the deprivation of correspondence, is often used to put pressure on Belarusian political prisoners, including women. For example, N.H. complained about this, who is under pressure in prison, presumably because of her refusal to write a petition for clemency addressed to the de facto head of state A. Lukashenko.

Questions:

What measures have been taken to improve the conditions of detention in places of deprivation of liberty, including places of detention of administrative detainees and those serving administrative arrest?

³¹ <https://spring96.org/ru/news/105592>

³² For more information about the situation with human rights in Belarus see report «Belarus after Election», prepared by Belarusian Helsinki Committee, Human Rights Centre “Viasna” and the Belarusian Association of Journalists in cooperation with the International Federation for Human Rights (FIDH) and World Organization Against Torture (OMCT), https://belhelcom.org/sites/default/files/belarus_after_election_report_2020_en.pdf

What measures have been taken to abolish strip searches conducted by guards of the opposite sex?

Please provide information on whether cases of physical, psychological and sexual violence against detained women in places of detention of administrative detainees and arrested persons, have been investigated. Have the affected persons received redress, including rehabilitation?

What measures have been taken by the state to create decent living and working conditions for detained women?

What measures has the state taken to comply with international standards, existing mechanisms of control and supervision and prevent restrictions on the rights of prisoners by the prison administration?

Has the State taken steps to provide mandatory training for male staff on women's rights and gender-responsive behavior in places of detention?

Lesbian and bisexual women, transgender persons and nonconforming persons

16.1. Continues significant social discrimination, stigmatization and violence, including by the police, experienced by lesbian and bisexual women, transgender persons and nonconforming persons.

16.2. It should be noted that the Belarusian legislation does not contain any norms providing for the responsibility for homophobic crimes. The police do not respond satisfactorily to cases of hate-motivated violence against LGBTQ+ people. Criminal cases are often not initiated, even if there is obvious evidence of crimes. Victims may face derogatory treatment and insults from the police because of their sexual orientation.

16.3. Unfortunately, the discrimination and hate crimes against the above-mentioned groups are frequently not prosecuted. Furthermore, the attitude of the authorities to this sensitive problem can not be described as improving. The adopted Act No. 362-Z of 2016 providing for amendments to normative acts for the protection of children from harmful information, which is, inter alia, defined as information discrediting the traditional family and the institution of marriage, may be used to discriminate against lesbian and bisexual women, transgender persons and nonconforming persons.

16.4. After the Presidential election 2020, representatives of the LGBTQ+ community have faced more various forms of discrimination and violence. They were subjected to harassment and psychological violence based on their sexual orientation or gender identity during political detentions. For example, the case of V.B. The activist of the movement for LGBT+ rights, was also

detained. She was sentenced to 15 days of administrative arrest, which the activist served in the detention center on Okrestina Street. Considering this, as well as the fact that activism for the protection of LGBT+ rights does not find broad public support in Belarus, it can be assumed that the treatment of such human rights defenders would be even crueler.

Questions:

What protection mechanisms are available for lesbian and bisexual women and transgender persons of homophobic crimes?

Has the State ensured that every crime against lesbian and bisexual women and transgender persons is promptly investigated, prosecuted and appropriately punished?

Has the state changed its approach to interpreting Law No. 362-Z, which will not restrict the dissemination of information about lesbians, bisexual women and transgender people?

Please provide information on whether the detainees lesbian and bisexual women, transgender persons, activists of the movement for LGBT+ rights, received these threats from law enforcement officials. Have the affected persons received redress, including rehabilitation?