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1. This submission was prepared by Legal Initiative, Lithuania-based Belarusian independent non-governmental non-profit human rights organisation, in connection with the 90th session (3 to 21 February 2024) of the Committee on the Elimination of Discrimination against Women (CEDAW). Legal Initiative is protecting human rights in Belarus since 1996. The organization primarily works in four main areas of expertise: human rights education, legal help to victims of human rights violations, improvement of legislation and change in law enforcement practice, international advocacy.

2. The information presented in this submission was prepared based on the analysis of the relevant open sources, reports and investigation materials prepared by Legal Initiative.

3. The information in this submission relates Belarus.

Context

3. On 9 August 2020, the presidential election results were announced in Belarus. This outcome (and the period of the pre-election campaign) resulted in overwhelmingly peaceful protests all across the country. The OHCHR found that, between May 2020 and May 2021, at least 37,000 people were arbitrarily arrested and detained; between 9 and 14 August alone, approximately 13,500 were arrested (11,800, 1,000 women and 700 children).¹ At 31 December 2023, at least 1,477 persons (1,308 men, 168 women, one boy) remained in detention, either facing or serving sentences for criminal or administrative charges that the OHCHR has determined to be politically motivated.² Persecution takes the form of unnecessary or disproportionate use of force, reaching the level of crimes against humanity³, arrests, detention, torture or ill-treatment, including rape and sexual and gender-based violence, and the systematic denial of the rights to due process and to a fair trial⁴. As of December 2024, Belarus had 1283 recognised political prisoners, among them 168 women in addition to over 2 405 individuals, among them 652 women, who had already been released⁵. The number of persons criminally sentenced to deprivation of liberty on political grounds may be higher, as some prisoners prefer not to go public for fear of retaliation⁶.

Torture of Women in Belarus Following the Events of 2020

5. Victims' testimonies confirm the widespread use of physical violence, beginning at

¹ A/HRC/49/71, § 36

² A/HRC/55/61, § 15

³ A/HRC/52/68, § 54; A/HRC/49/71, § 84.

⁴ Ibid, § 83.

⁵ <https://prisoners.spring96.org/en/list>

⁶ A/HRC/56/65, § 46

the moment of detention and continuing in detention facilities. Women reported beatings, blows with rubber truncheons, and strikes to their legs and backs⁷. Some women lost consciousness due to injuries, yet medical assistance was rarely provided. The International Committee for the Investigation of Torture in Belarus (ICITB) detailed instances where detainees were beaten unconscious or forced to kneel for hours⁸. These actions were often accompanied by threats of further punishment. Many women later described the violence as demonstrative with law enforcement officials aiming to humiliate their dignity⁹. Women also recounted being forced into painful positions for extended periods, causing severe pain and physical exhaustion as part of a broader strategy of suppression¹⁰.

6. Psychological violence was used as a tool of intimidation during detention, stay in a detention center or serving administrative arrest. Women were interrogated without legal representation, threatened with physical harm, or warned of the potential arrest of their relatives. Humiliation and verbal abuse aimed at breaking their morale were commonplace. Some detainees reported threats of rape, which had a severe impact on their psychological well-being¹¹. These threats were often accompanied by demonstrations of physical superiority by law enforcement officials. Isolation from the outside world further exacerbated the fear and helplessness experienced by women, making them especially vulnerable to manipulation. Women were often misinformed about the condition of their relatives, amplifying the psychological pressure. Many were coerced into signing confessions for crimes they did not commit, which were then used to justify repressive actions and create an illusion of legality. Victims reported that its use was accompanied by threats of sexual violence and ridicule¹².

7. Sexual violence and threats of rape were integral to the methods of repression. Women were subjected to searches conducted without proper procedures in temporary detention centres. The Office of the High Commissioner for Human Rights (OHCHR) found that most victims of arbitrary detention during and after 2020 reported having been subjected to strip searches and cavity searches, which were performed arbitrarily, sometimes several times a day, in a degrading manner, at times in the presence of other detainees and staff and not always by persons of the same gender. Women who had been menstruating at the time of arrest remarked that squatting or bending over while being naked was particularly humiliating. The OHCHR documented forced nudity in 40 cases and found an additional 137 cases, including but not limited to strip searches, documented and analysed by civil society organizations to be credible¹³. Male staff also accompany and conduct video and visual surveillance of women detainees. These facts have also been documented by OHCHR¹⁴. In remand centers and penal colonies, male staff members supervise women prisoners, including escorting them to and from the doctor's office. Such actions were intended to destroy victims' self-esteem and dignity. Women who survived these abuses frequently faced long-term psychological consequences, including post-traumatic stress disorder (PTSD) and depression. Threats of sexual violence were often combined with physical abuse, amplifying

⁷ Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 11,20

⁸ Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 13

⁹ Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 19

¹⁰ Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 21

¹¹ Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 16

¹² Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 22

¹³ A/HRC/52/68, § 41

¹⁴ A/HRC/52/68, § 41

the suppressive effect¹⁵.

8. Detention conditions for women in detention centers, centers for temporary detention failed to meet minimal standards. Overcrowded cells lacked sufficient access to water, food, and sanitation. Women are forced to share beds and use unhygienic facilities for personal hygiene. During winter, temperatures in the cells are low, and in summer, there is no ventilation. Women reported being denied hygiene products, severely affecting their well-being during prolonged detention. In some cases, detainees were left without food or water for 24–48 hours¹⁶. Women also reported being denied medical care even for severe injuries or illnesses. This intentional deprivation further endangered their health and lives.

Conditions of Detention and Torture of Women in Penal Colony № 4 in Belarus

9. The Women's Penal Colony № 4 in Homel, Belarus, is one of the most notorious correctional facilities in Belarus, where the rights of incarcerated women are systematically violated. The living conditions in Penal Colony № 4 are extremely harsh. Poor-quality and often spoiled food leads to frequent gastrointestinal illnesses. Women are heavily dependent on food parcels from relatives to meet their basic needs. However, many parcels do not reach the recipients due to arbitrary actions by the administration¹⁷. There is also a shortage of clothing and footwear, with state-provided essentials largely not meeting established norms¹⁸.

10. One of the central issues in the colony is the practice of forced labor. All inmates are required to work, most often in textile production, under extremely harsh conditions. Workspaces are poorly lit and ventilated, posing additional health risks. Women with chronic illnesses are forced to work alongside others, regardless of their health conditions. The OHCHR found that some prisoners reported accidents, injuries, and negative health consequences due to a lack of training, protective clothing, or equipment¹⁹. In particular, injuries in sewing production are widespread in the Penal Colony № 4 - serious cuts, "stitching" of fingers on the sewing machine, amputation of fingers²⁰. At the same time, women work 7 days a week under the guise of "training" or at their own will (to catch up with unfulfilled norms). According to Article 98 of the Criminal Correctional Code of the Republic of Belarus everyone sentenced to imprisonment is obliged to work in places and at jobs determined by the administration of penal institutions. Convicts are engaged in labor in penal institutions, including maintenance work, and in production workshops of extra-budgetary subdivisions of penal institutions or at enterprises of the penal system, as well as at other enterprises regardless of their form of ownership, provided that proper guarding and isolation of convicts is ensured. According to part 6 of the same article, refusal to work or unauthorized termination of work is a malicious violation of the established procedure for serving the sentence and entails penalties. Most often refusal to work is punished by placement in a punishment cell (SHIZO), where the conditions are even more severe. Wages for forced labor are negligible

¹⁵ Third Interim Report on Torture: Torture Against Women - <https://legin.info/documents/tretii-promezhutochnii-otchet-po-pitkam-pftki-v-otnoshenii-zhenschini>, p. 14

¹⁶ Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obrazovanie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 15

¹⁷ Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obrazovanie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 20

¹⁸ Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obrazovanie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 22

¹⁹ A/HRC/55/61, § 33

²⁰ Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obrazovanie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 33

(range from US\$ 0.6 to US\$ 42), making it impossible for inmates to afford basic hygiene products. A large portion of the goods produced is exported, suggesting that the forced labor of inmates is economically profitable for the state. However, the inmates themselves receive virtually no compensation for their work²¹.

11. Political prisoners are subjected to targeted repression, including provocations, psychological pressure, they are more frequently placed in punitive confinement or subjected to additional inspections. In addition to the penalties stipulated by the Criminal Correctional Code, the colony applies a number of other punishments that are not prescribed by law. The colony administration employs the method of "collective punishment," where the behavior of one prisoner results in penalties for an entire group, exacerbating tension and conflict among inmates. As a form of punishment, women were also forced to do some humiliating and/or useless work. For example, there is a method of punishment called "Titanic" where a bucket or several buckets of water are poured on the floor and the prisoner has to collect it all²².

12. One of the most heinous is a cage located on the territory of the colony at the checkpoint between the residential and industrial areas. Women are placed in this cell for refusing to comply with the demands of staff or for violent conflicts with other inmates. Women spend between half an hour and 8 hours in the cage. The cage is located so that it is visible to as many convicts as possible on their way to and from work, which causes additional humiliation and suffering for the punished woman. Staff and inmates themselves call it a "cage of shame"²³.

13. Political prisoners also face restricted access to legal representation and communication with relatives. Women report that their letters are destroyed or not delivered, and visits with family members are minimized. According to former prisoners, until January 2022, correspondence to and from them was delivered in a normal manner. However, since January, the situation changed dramatically. Inmates began to find themselves in an information vacuum, with the administration allowing correspondence only with close family members²⁴.

14. Women prisoners who are in punishment cells in places of detention and women prisoners who are incommunicado detention are denied access to justice and don't have access to any information. They are deprived of legal assistance, as lawyers are not allowed to visit them, due to the fact that a prisoner should submit a request to meet their lawyer, but there are neither paper nor pen in the punishment cells, and all correspondence is under the jurisdiction of the administration of the place of detention. For example, M.K. has been in incommunicado detention for more than a year and a half and, due to the above-mentioned reasons, deprived of access to justice²⁵. After more than 600 days of denied visits, calls and correspondence, M.K. has been allowed to see her father in prison²⁶. According to confidential sources, M's health was deteriorated gravely and she weighs only 45 kilos. Amnesty International claimed that her treatment, including the denial of medical care she requires,

²¹ *ibid*, p. 34

²² Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obra%20d1%89enie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 51

²³ Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obra%20d1%89enie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 50

²⁴ Torture and abuse in Women's Penal Colony № 4, Homel - <https://torturesbelarus2020.org/en/pytki-i-zhestokoe-obra%20d1%89enie-v-gomelskoj-zhenskoj-kolonii-%e2%84%964/>, p. 23

²⁵ A/HRC/55/61, § 35

²⁶ <https://www.bbc.com/news/articles/ckg792d6yp4o>

amounts to torture or other ill-treatment and puts her life at risk²⁷.

This creates a system, where it is impossible for women prisoners to lodge complaints regarding violations of their rights in detention, including the prison conditions. According to the Special Rapporteur on the situation of human rights in Belarus, the low number of complaints filed with CEDAW against Belarus demonstrates the difficulties faced by victims in exhausting domestic legal remedies²⁸.

15. Psychological pressure is another tool of repression in the colony. Women frequently face threats, humiliation, and manipulation by the administration. In some cases, "activists" from among the inmates are used to help suppress dissent²⁹. Some women report deliberate isolation, where inmates are deprived of communication with others.

Escalation of Repression Against the LGBTQ+ Community in Belarus

16. Since 2020, discrimination against members of the LGBTQ+ community in Belarus has intensified. State authorities have implemented repressive measures, including mass detentions and the application of administrative and criminal charges against community members. In September 2024, between 15 and 20 members of the LGBTQ+ community were detained in Belarus. It is known that eight trans individuals were among those detained. For most of them, falsified administrative charges of "hooliganism" were filed, while two individuals faced criminal charges under Article 343 of the Criminal Code of the Republic of Belarus "production and distribution of pornographic materials or items of a pornographic nature." This article is being used as a tool for persecuting LGBTQ+ individuals³⁰. LGBTQ+ activists face threats, persecution, and violence, making their situation particularly vulnerable³¹. State media actively employ homophobic rhetoric to justify these actions³². At the same time, state authorities have conducted large-scale information campaigns aimed at discrediting the LGBTQ+ community.

17. In 2024, amendments were introduced into legislation equating homosexuality and other forms of gender expression with criminal acts under certain conditions (§ 3 point 2 of Instruction on the procedure for the release, duplication, display, rental, sale, and advertising of erotic products, products containing elements of erotica, violence, and cruelty, products on sexual education and reproductive education, as well as sexual products, approved by resolution of the Ministry of Culture of the Republic of Belarus dated May 8, 2007, № 18). These amendments intensified stigmatization and legitimized violence against LGBTQ+ people. These legislative changes became part of a broader campaign to suppress civil liberties, creating an atmosphere of fear and distrust in society, and they contradict fundamental principles of human rights³³.

18. The amendments have also hindered the work of organizations that provide support to the LGBTQ+ community, forcing many activists to cease operations or leave the country³⁴. Due to the fact that in Belarus in 2021 almost all independent non-profit civil society

²⁷ <https://www.amnesty.org.uk/urgent-actions/end-torturous-isolation-kalesnikava>

²⁸ A/79/201, § 31

²⁹ Torture and abuse in Women's Penal Colony № 4, Homel - <https://legin.info/documents/44>, p. 10

³⁰ LGBTQ+ in Belarus: isolation, repression, and erasure of identity under the guise of traditions - <https://legin.info/documents/46>, p. 5

³¹ Torture of LGBTQ+ people and the regime's homophobic policies - https://torturesbelarus2020.org/wp-content/uploads/2023/05/report_lgbtq_eng.pdf, p. 16

³² Torture of LGBTQ+ people and the regime's homophobic policies - https://torturesbelarus2020.org/wp-content/uploads/2023/05/report_lgbtq_eng.pdf, p. 15

³³ LGBTQ+ in Belarus: isolation, repression, and erasure of identity under the guise of traditions - <https://legin.info/documents/46>, p. 6

³⁴ LGBTQ+ in Belarus: isolation, repression, and erasure of identity under the guise of traditions - <https://legin.info/documents/46>, p. 5

organizations, including those working on the topic of LGBTQ+, were forcibly liquidated by the regime, LGBTQ+ people in Belarus are left with no instruments of protection against homophobia, ranging from homophobia in the street to homophobia by the state³⁵.

19. Sexualized violence against LGBTQ+ people is often combined with acts of verbal and physical homophobia, biphobia, transphobia, and other phobias. Sometimes people from the LGBTQ+ community are targeted precisely because of their identity. People against whom the enforcers used threats of sexualized violence feared real action because there were such actions. According to one victim, after the enforcers were convinced of her sexual orientation, psychological violence followed, then physical violence, and then sexualized violence³⁶.

20. Instances of detentions of LGBTQ+ individuals often involve fabricated charges such as "hooliganism" or the dissemination of pornography. In September 2024, it was reported that at least eight transgender individuals were detained. Most of them were charged with "hooliganism," while two faced criminal charges under Article 343 of the Criminal Code "distribution of pornography"³⁷.

³⁵ Torture of LGBTQ+ people and the regime's homophobic policies - https://torturesbelarus2020.org/wp-content/uploads/2023/05/report_lgbtq_eng.pdf, p. 8

³⁶ Torture of LGBTQ+ people and the regime's homophobic policies - https://torturesbelarus2020.org/wp-content/uploads/2023/05/report_lgbtq_eng.pdf, p. 17

³⁷ <https://www.svaboda.org/a/33136292.html>