

Alternative Report on Compliance with the Convention on the Elimination of all Forms of Discrimination Against Women by Belarus

Prepared by Eurasian Coalition on Male Health - ECOM for the 90th session of the UN CEDAW, 2025.

ECOM — Eurasian Coalition for Health, Rights, Gender and Sexual Diversity — is an international non-governmental association based in Tallinn, Estonia. ECOM is a membership association open to non-profit organizations and activists working in the field of rights and health of LGBT communities in the Eastern Europe and Central Asia (EECA) region. ECOM was founded in 2011 and officially registered in 2013.

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This report serves as an alternative assessment of Belarus's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It is structured to address the Committee's concluding remarks, the list of issues presented prior to Belarus's ninth periodic report, and specific areas of concern regarding legislation and practices affecting women, particularly those from marginalized communities such as lesbian, bisexual, and transgender women.

The recent changes in Belarussian legislation significantly undermines the rights and protections of LBT (lesbian, bisexual, and transgender) women, creating an environment rife with discrimination and violence. International bodies and local advocates need to address these issues, pushing for legal reforms that protect the rights of all individuals regardless of their sexual orientation or gender identity. Without such changes, the situation for LGBT individuals in Belarus will likely continue to deteriorate, perpetuating cycles of abuse and marginalization.

Discriminative laws

1. In 2016 Concluding comments (CEDAW/C/BLR/CO/8) the Committee recommended Belarus to combat discrimination, harassment, and violence against lesbian, bisexual, and transgender individuals and their human rights defenders, as well as ensure that all crimes against these groups are promptly investigated, prosecuted, and punished, even if committed by security forces. In the List of Issues (CEDAW/C/BLR/QPR/9), the Committee requested information on the measures taken to implement its recommendations. However, Belarus failed to mention lesbian, bisexual, and transgender women in its report, effectively ignoring their existence.
2. Belarusian legislation does not adequately protect the rights of individuals based on sexual orientation or gender identity (SOGI). The absence of anti-discrimination laws leaves LBT women vulnerable to systemic discrimination. Current legislative changes contribute to social stigma, legitimize violence and violate fundamental human rights, including the rights to equality, freedom from discrimination and personal security.
3. In 2023, Belarus drafted a law that criminalizes the "promotion of non-traditional relationships," specifically referring to LGBT relationships¹. According to Prosecutor General, the document also penalizes the promotion of pedophilia and the voluntary refusal to have children (childfree).
4. This decree No.18, amended in 2024 through a Ministry of Culture resolution, categorizes “homosexuality, lesbian love,” and transgender expressions as “non-traditional sexual relationships or behaviors”². This places the demonstration of relationships of LGBT people on the same footing as the demonstration of necrophilia, pedophilia and voyeurism - all of which together constitute “non-traditional relationships”. This document strengthens censorship and control over the dissemination of information on LGBT issues and sexual education. The Ministry of Culture equated the demonstration of “non-traditional sexual relations” with

¹ Reuters: Belarus prepares law against 'LGBT propaganda', state media says
<https://www.reuters.com/world/europe/belarus-prepares-law-against-lgbt-propaganda-state-media-says-2024-02-19/>

² On Amending Resolution of the Ministry of Culture of the Republic of Belarus No.18 of May 8, 2007 (in Russian) <https://pravo.by/document/?guid=12551&p0=W22441365>

pornography, effectively banning any discussion of LGBT issues in a positive or neutral manner³.

5. Demonstrating or displaying LGBT relationships or identities can now be legally prosecuted as pornography (Article 343 of the Criminal Code of the Republic of Belarus), punishable by up to four years of imprisonment. In cases involving depictions of minors, sentences can extend to 13 years. This law perpetuates societal stigmatization and legitimizes discrimination against LGBT individuals, reinforcing their portrayal as immoral and deviant. Consequently, this reinforces existing biases and perpetuates violence against the LGBT community.
6. These changes are accompanied by a massive campaign from the Belarusian government to discredit gender diversity and childfree people, who are seen as a threat to the country's national security and demographic policy. By framing LGBT identities as equivalent to pornography, the law fosters a societal stigma against LGBT individuals. This stigmatization can increase discrimination in various aspects of life, including employment, healthcare, and social services. LBT women may face harassment or violence based on their sexual orientation or gender identity, contributing to a culture of fear and isolation.
7. Given the above, it should be noted that although the state has not directly introduced a law banning propaganda, it has done so indirectly, in a veiled manner. When “LGBT propaganda” is not directly stated, but is equated with other crimes.
8. Thus, the new legislative initiatives create a climate of fear and intolerance, which is a violation of Belarus' international human rights obligations. According to the experts, Belarusian law enforcers are already actively using decree No.18 to initiate criminal cases under articles on the production and distribution of pornographic materials or items of pornographic nature (Article 343 of the Criminal Code). Although the decree itself is not yet law, it creates a strong basis for repression against the LGBT community

HIV and Women's Rights

³ Human Rights Watch: Belarus Calls LGBT Lives ‘Pornography’
<https://www.hrw.org/news/2024/04/12/belarus-calls-lgbt-lives-pornography>

9. Article 157 of the Criminal Code of the Republic of Belarus provides for criminal punishment not only for HIV infection, but also for “knowingly putting another person at risk of HIV infection”.
10. In 2019, an amendment to Article 157 of the Criminal Code of the Republic of Belarus came into force⁴. According to this amendment, people who have warned their partners will not be held criminally liable for placing them at risk of HIV transmission and infection. Previously, Article 157 provided for criminal liability for placing someone at risk of HIV transmission, even if the injured party did not have any claims against the defendant. Infectious disease doctors, to whom people living with HIV often turn for help, also had the right to initiate a criminal case.
11. However, to implement the amendment to Article 157, an algorithm that enables partners to document their awareness of each other's HIV status is required. Consequently, the responsibility for proving one's innocence rests solely on individuals living with HIV, particularly women, as they are usually the first to come to the attention of the healthcare system when they register for HIV-related services.
12. Besides the healthcare legal framework has procedures to apply Article 157 of the Criminal Code. Healthcare facilities must provide information about medical confidentiality without patient consent when requested by the police or court, or to law enforcement agencies.
13. Women were prosecuted under the 1st part of Article 157 of the Criminal Code of the Republic of Belarus 15 times more often than men. Difference between men and women is due to detection and registration of pregnancy. When a woman is registered for pregnancy, she is tested for HIV. When a woman becomes pregnant and is already HIV-positive, her partner is tested. If the partner is registered later than the woman or if the partner is diagnosed with HIV after the woman, an investigation is automatically started. Being pregnant and under investigation is very stressful. It's hard to cope with health, pregnancy, and pressure all at once⁵.
14. Moreover, individuals living with HIV are restricted from adopting a child, serving as a guardian (custodian), foster parent, or parent-educator. This prohibition extends to adopting HIV-positive children, leaving these vulnerable children without a family.

⁴ Belarus makes steps to HIV decriminalization. EWNA, Dec 19, 2018 (in Russian) <https://ewna.org/2018/12/19/belarus-delaet-shagi-po-dekriminalizaciju-vich/>

⁵ EWNA: Women were prosecuted under article 157, part 1, of the Criminal Code 15 times more often than men.(in Russian) <https://ewna.org/2022/06/28/interview-tatyana-zhuravskaya-belarus/>

Consequently, HIV-positive children are frequently raised by guardians or placed in state institutions, with rare instances of adoption.

15. Women living with HIV, to a greater extent, face discrimination from medical staff, disclosure of their status, doubt in keeping confidential information. For example, doctors frequently "advise" HIV-positive women to terminate their pregnancies based solely on their personal social status. This is a stereotypical and discriminatory attitude towards patients.
16. In 2022 the study was published which revealed a high level of discrimination and mostly against women. The results show that every 5th participant(s) of the study has experienced a violation of rights within 12 months, with only 7% making any attempt to protect their interests. Out of the total number of those discriminated against, 86% were women. Only one-third of respondents are aware of the existence of laws that protect people living with HIV from discrimination⁶.
17. Much more work is needed to ensure that women living with HIV are sufficiently aware of their rights and can protect themselves. Women living with HIV face compounded discrimination due to their gender and health status. The lack of comprehensive healthcare policies addressing their needs further exacerbates their vulnerability. There is a pressing need for inclusive health policies that consider the intersectionality of gender, sexual orientation, and health status.

Legal Gender Recognition

18. Formally, the conditions for trans-transition in Belarus have been created, but over the past two years its passage has become almost impossible due to the high level of commission refusals, which reaches 80%. This actually blocks the possibility to complete the process of trans-transition for the majority of applicants⁷.
19. The procedure consists of two stages: the first commission grants permission for legal transition (change of name and gender marker), and the second for medical transition, including hormone therapy and surgical gender reassignment. The commissions' decisions are based on medical indications and the absence of contraindications, such as severe mental disorders or somatic diseases that prevent medical correction.

⁶ People Plus: Report on the study "Stigma Index of People Living with HIV 2.0"
<https://hiv.by/images/articles/news/ludi-plus/2022/2022-08-08/index20.pdf>

⁷ TG House Belarus: Monitoring the work of the Transition Commission in Belarus (2019-2024) (in Russian)
<https://tbelarus.com/post/monitoring-komissii-po-trans-perehodu-v-belarusi-2019-2024>

However, the criteria often remain vague and their enforcement is inconsistent, which makes it difficult for transgender people to pass the commission.

20. To request a change of gender markers on their passports, transgender people must go to a psychiatric clinic for 8 to 21 days, see a sexologist and a psychologist for at least one year, and undergo unnecessary and humiliating medical tests. Even getting the first medical appointment can take up to six months. Even when the requirements are met, the commission responsible for granting legal gender transition (LGR) often denies requests and imposes an additional six-month wait.
21. Some individuals have experienced discriminatory treatment during this process and have had their requests denied repeatedly for more than three years. Complaining to higher authorities has not yielded any results. In September 2023, out of 22 cases, 16 were denied, marking a 70% increase in refusals compared to the last five years. Activists fear that Legal Gender Recognition will be further restricted in the years to come⁸.

Harassment of activists and LGBT organizations

22. In 2024, the LGBT community has found itself on the edge of large-scale repression. In their brutal assault against civil society in recent years, Belarusian authorities shut down all human rights organizations, including LGBT rights groups, leaving LBT women with even less protection.
23. In September 2024, 15 to 20 representatives of the LGBT community were detained in Belarus. It is known about the detention of 8 transpersons: most of them were subjected to falsified administrative protocols for “hooliganism”, and two of them were prosecuted under Article 343 of the Criminal Code for “production and distribution of pornographic materials or items of pornographic nature ”⁹. Now this article is used as a method of persecution of LGBT persons.
24. The propaganda law effectively criminalizes any positive representation or advocacy for LGBT rights. This means that organizations and activists working to promote equality and protect the rights of LBT women face legal repercussions, including

⁸ https://www.ilga-europe.org/files/uploads/2024/02/2024_belarus.pdf

⁹ Radio Liberty: In September, Belarus saw a wave of arrests of LGBTQ+ community members. <https://www.svaboda.org/a/33136292.html>

finances and imprisonment. Such a climate discourages public discourse and advocacy for LGBT rights, further marginalizing these communities¹⁰.

25. The hostile legal environment makes it difficult for LGBT individuals to access support services. For instance, shelters and counseling services may be reluctant to assist LGBT individuals due to fears of legal repercussions or societal backlash. This lack of support can have dire consequences for those facing domestic violence or mental health issues.
26. This legislation, which equates the promotion of LGBT identities with pornography, creates a hostile environment for LGBT activists and has a chilling effect on civil society organizations that advocate for human rights and gender equality. Many organizations have been forced to cease their activities or operate underground due to fears of persecution. This diminishes the capacity of civil society to address issues affecting LBT women who face intersectional discrimination.

Intersectional Discrimination Against LBT Women

27. Belarus's lack of a comprehensive anti-discrimination law and a dedicated gender equality law makes combating gender discrimination extremely challenging. There is almost no legal precedent for protecting women from discrimination. Although Belarusian law includes several anti-discrimination provisions, there is a significant gap between the rights outlined in the law and their practical application.
28. LBT women in Belarus endure unique and layered forms of discrimination rooted in the intersection of their gender identity, sexual orientation, and societal status. These intersections amplify existing inequalities, making their experiences distinct from those of other women or LGBT individuals. Comprehensive legislative, social, and institutional reforms are critical to addressing their needs and ensuring their rights are respected.
29. LBT women are at heightened risk of workplace discrimination, including being denied jobs, promotions, or equal pay solely due to their SOGI. Those who are open about their identities often face targeted harassment or dismissal. For transgender women, employment opportunities are further curtailed by the mismatch between

¹⁰ Pravovaya Initsiativa: Report on the situation of the LGBTQ+ community in Belarus 2024 (in Russian) https://login.info/uploads/20241122_67409336ed048.pdf

their official documents and lived identity, exposing them to additional scrutiny and bias¹¹.

30. Patriarchal norms and pervasive stereotypes in Belarusian society marginalize LBT women, portraying them as "deviant" or "immoral." This stigma isolates them from community networks and deprives them of social support. The law equating LGBT identities with pornography exacerbates this alienation, legitimizing public disdain and exclusion.
31. LBT women often face prejudiced attitudes from healthcare providers, leading to substandard care or outright denial of services. Lesbian and bisexual women may encounter assumptions about their reproductive health needs, resulting in inadequate or irrelevant services. Transgender women face systemic barriers to accessing gender-affirming healthcare and general medical treatment, as providers frequently lack knowledge or sensitivity regarding their needs¹². HIV-positive LBT women experience compounded stigma, where their sexual orientation or gender identity is blamed for their condition, discouraging them from seeking timely care.
32. Belarus lacks protective legal frameworks explicitly addressing discrimination based on SOGI. This absence leaves LBT women particularly vulnerable to hate crimes, domestic violence, and workplace injustice. The inability to secure legal recourse fosters an environment of impunity for perpetrators.

Domestic Violence Against Women

33. Domestic violence remains a critical issue in Belarus, exacerbated by inadequate legal protections for victims. The current legal framework does not criminalize marital rape or provide sufficient resources for victims seeking help. Women experiencing domestic violence are often discouraged from reporting incidents due to fear of further victimization or lack of support from law enforcement.
34. Domestic violence disproportionately affects LBT women, who may be subjected to physical, emotional, or sexual abuse within families that view their identities as shameful or dishonorable. Public spaces are equally fraught with danger, as LBT women are frequently targeted for hate crimes, verbal abuse, and physical assaults.

¹¹ TG House: "I've never been as scared in Belarus as I have been in the last two years." (in Russian) <https://tbelarus.com/post/mne-nikogda-ne-bylo-tak>

¹² Pravovaya Initsiativa: Report on the situation of the LGBTQ+ community in Belarus 2024 (in Russian) https://legin.info/uploads/20241122_67409336ed048.pdf

Law enforcement often dismisses their complaints, perpetuating a cycle of victimization and neglect.

35. Belarusian legislation falls short in providing adequate protection against discrimination, particularly against women. The country's laws lack a clear definition of "discrimination against women" and do not recognize key concepts such as direct, indirect, intersectional, and multiple discrimination. Additionally, harassment, failure to provide reasonable accommodations, and victimization are not explicitly prohibited or defined in the legislation.
36. The absence of special rules and norms for court proceedings in discrimination cases further hinders the effective enforcement of anti-discrimination laws. This includes the lack of provisions for shifting the burden of proof, using statistical data as evidence, and ensuring the participation of non-governmental organizations in trials.
37. Overall, the Belarusian legislation on equality and non-discrimination is fragmented, incomplete, and ineffective, denying women the full enjoyment of their right to be free from discrimination. The laws do not provide a comprehensive and systemic framework to address discrimination, leaving women vulnerable to various forms of discrimination without adequate legal recourse.

Recommendations

In Belarus, the LGBT community has found itself on the edge of large-scale repression. While before 2020 civil society provided platforms for cultural and social interaction, now the space of freedom has virtually disappeared. The regime's open hostility, backed by propaganda and new laws, is destroying the very possibility of expressing gender and sexual diversity.

Belarus's compliance with CEDAW remains inadequate, particularly concerning the rights of marginalized groups such as LBT women and trans* individuals. Legislative reforms are urgently needed to address systemic discrimination and promote equality for all women in Belarus. The government must prioritize the protection of human rights defenders and create an environment conducive to civil society engagement.

- Repeal laws equating LGBT relationships and identities with pornography;

- Revoke Decree No. 18 and any associated legal measures that stigmatize and criminalize LGBT advocacy or visibility;
- Amend the rules and procedures governing gender transition to ensure an understandable procedure;
- Adopt anti-discrimination legislation and take decisive steps to effectively eliminate all forms of discrimination and violence based on sexual orientation and gender identity;
- Criminalizing all forms of gender-based violence, including domestic violence and marital rape, encouraging victims to report domestic violence, and providing victim-centered services, including counseling hotlines, crisis rooms, and shelters;
- Amend Article 157 of the Criminal Code to remove penalties for HIV exposure without malicious intent;
- Train healthcare providers on SOGI and HIV sensitivity to ensure equal access to medical care for LBT women and those living with HIV;
- Promptly and effectively investigate any report of violence or intolerance motivated by sexual orientation and gender identity.