

# **The situation with human rights of women in Belarus following the presidential elections in 2020**

**Prepared by: Centre for promotion of women's rights 'Her Rights' and Anti-Discrimination Centre 'Memorial'**

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## **Summary**

The information presented below signifies that despite the wide-spread patriarchal values and stereotypes in the society, explaining indulgent approach to women and subsequent indetermination of police to detain women during first wave of protests, later on women became deliberately targeted by the police and have been subjected to inhuman and degrading treatment, consistent and routine gender discrimination in the detention centres.

The consistent use of abusive language, torture and discriminatory and humilative practices in the detention proves to be an internal policy as women are clearly punished for their active citizenship – even if they were not protesting but were detained arbitrarily. Their physiological condition makes them more vulnerable and an easy target for abuse and humiliation and further prosecution. Children are seen as an additional tool for exercising pressure and threatening women because of their political views and participation in protests.

Detention centres are not adequately equipped with sanitation products, although women are given bills for their sustentation in detention. Even after 1.5 months since the first detentions, sanitary pads are provided by Red Cross volunteers. There are not enough women-officers in detention centres. Given the scarcity of women staff, the cameras in the women's cells are being monitored by men. There are not enough women at police and they are not properly instructed.

Women-relatives of the detained are not informed by the police when their family members are detained. Suffering, caused by lack of information on whereabouts of close relatives, constitutes a form of ill-treatment, given the vulnerability of women: pregnancy, single parenting, older age and disability, dependence on the only earner in the family who is detained.

## **Introduction**

The 2020 presidential elections in Belarus took an unprecedented turn due to the surprisingly large numbers of politically active women. Together with that, the electoral campaign and the following events were accompanied with a great number of women's human rights violations.

### **1. Persecution of women, actively involved in politics and civil society organizations**

Anyone who is a leader of popular protests and any organised opposition institutions are being persecuted by the Belarusian authorities. Women, being actively involved in the protest movement, have also become targeted. Moreover, several weeks after the beginning of the massive women's marches, the law enforcement started to look for alleged "leaders" or "organisers" of the women's rallies, persecuting women's rights organisations, initiatives and activists.

## 1.1. Ms Svetlana Tikhanovskaya<sup>1</sup>

Before the elections Svetlana received threats to her and her children that were not investigated by the law enforcement. For example, on 16 June 2020 during Svetlana's visit to Gomel she received an anonymous phone call with threats against her and her underage children and demands to stop her presidential campaign. "Take into account, maybe you will stop your visit, otherwise you may be put to jail and your children will be taken away", that is how Svetlana described threats to the press.<sup>2</sup> The Ministry of Internal Affairs of the Republic of Belarus commented that no investigation was initiated, because Svetlana had not filed a complaint to the police.<sup>3</sup> Furthermore, Ms Tikhanovskaya repeatedly expressed that she was constantly worried about her and her children's safety and she never went outside unaccompanied.<sup>4</sup> This demonstrated that Svetlana was subject to psychological violence, pressure and threats.

On 11 August 2020 it was reported that Ms Tihanovskaya was taken to the Belarusian border with Lithuania by authorities where she was forced to cross the border to Lithuania following the threats to her children and pressure by the authorities.<sup>5</sup> There are strong allegations that Ms Tihanovskaya was subject to threats in a cruel and inhumane way and was forced to emigrate to avoid putting her family at risk.

According to the Belarusian legislation the state authorities were obliged to start the criminal investigation of threats and violence against Ms Tihanovskaya. Moreover, obstruction to the exercise of the right to be elected by the citizens of the Republic of Belarus is a crime that is punished under art. 191(1) of the Penal Code of the Republic of Belarus. This crime is subject to public prosecution that shall be initiated by the criminal prosecution authorities under art. 26(7) of the Code of Criminal Procedure of the Republic of Belarus. Thus, Belarusian authorities failed to protect Svetlana's right to be elected as guaranteed by domestic law and the Convention on the Elimination of All Forms of Discrimination against

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<sup>1</sup> Ms Svetlana Tikhanovskaya was a candidate for the position of the President of the Republic of Belarus. Svetlana is a wife of Mr Sergei Tikhanovski who was initially planning to register as a candidate. Around the date of registration Sergei was put to jail by Belarusian authorities and, therefore, was unable to register. As a result, Ms Svetlana Tikhanovskaya decided to register instead of her husband and according to independent count of votes, won the election.

<sup>2</sup> Tut.by, "Tikhanovskaya: I received threats, I am facing a choice - children or further struggle. The choice is clear", 16 June, <https://news.tut.by/elections/688946.html>

<sup>3</sup> Tut.by, "Ministry of Internal Affairs: verification of threats to Tikhanovskaya is not carried out, a statement is needed", 17 June 2020, <https://news.tut.by/elections/689222.html>

<sup>4</sup> The Village, "'I did it for him': An honest interview with the wife of the imprisoned blogger Svetlana Tikhanovskaya", 9 June 2020, [https://www.the-village.me/village/city/city-interview/282567-tin-interview?fbclid=IwAR2XzHMqJlq2iwC0sjEJh11nzxANHBgmt3qUlGcS7r5dpP8ee\\_fRNauZhzc](https://www.the-village.me/village/city/city-interview/282567-tin-interview?fbclid=IwAR2XzHMqJlq2iwC0sjEJh11nzxANHBgmt3qUlGcS7r5dpP8ee_fRNauZhzc)

<sup>5</sup> The Guardian, "Belarus opposition candidate implies threat to children after leaving country", <https://www.theguardian.com/world/2020/aug/11/belarus-opposition-candidate-lithuania-protests-svetlana-tikhanovskaya>

Women (hereinafter – CEDAW), art. 7(a). They also fail to exercise due diligence with respect to investigating and punishing persons responsible for the acts of violence.<sup>6</sup>

## **1.2. Other women in opposition leadership**

On 8 August 2020, Veronika Tsepkalova, a wife of ex-candidate Valeri Tsepkalov and one of the women leaders of the united election team of Ms Tihanovskaya, also left Belarus out of safety concerns.<sup>7</sup> Her husband Valeri Tsepkalov left Belarus with their children after they learnt that the Prosecution office was going to take their children away.<sup>8</sup> Indeed, later the criminal case against Valeri Tsepkalov was initiated.

Ms Maryia Kalesnikava, who represented the only opposition leader in Belarus after Ms Tikhanovskaya left Belarus and had been the leader of Mr Viktor Babariko's team, was abducted on 7 September and was taken to the border of Belarus with Ukraine in an attempt to forcibly remove her from the country.<sup>9</sup> After she tore her passport at the border, she was taken back to Minsk and is now charged with criminal liability for 'calls for actions aimed at causing harm to the national security of Belarus through the media and the Internet', in accordance with part 3 article 361 of Criminal Code.

4 out of 7 members of the Presidium of the opposition Coordination Council are women. All they were forced to flee or were detained:<sup>10</sup>

- Ms Volha Kavalkova, a trusted representative of the united election team of Ms Tikhanovskaya, was abducted, arrested and taken to the border with Poland by the authorities straight from the detention centre.<sup>11</sup> She was threatened with a 'long criminal sentence' if she opted to stay in Belarus.
- Ms Lilia Vlasova, a prominent Belarusian attorney and international mediator, was arrested on 31 August 2020 following a search of her house by police from the financial-crimes unit.

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<sup>6</sup> CEDAW, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, para. 24

<sup>7</sup> Meduza, "Any Belarusian could replace me' Maria Kolesnikova — the last member standing of the opposition 'women's triumvirate' — says she's not going anywhere", 12 August 2020, <https://meduza.io/en/feature/2020/08/12/any-belarusian-could-replace-me>

<sup>8</sup> Reuters, "Belarus opposition leader flees abroad with two sons ahead of election", 24 July 2020, <https://www.reuters.com/article/us-belarus-election/belarus-opposition-leader-flees-abroad-with-two-sons-ahead-of-election-idUSKCN24P1MV>

<sup>9</sup> BBC, "'She threw her passport out the window.' What happened to Maria Kolesnikova on the border with Ukraine", 8 September 2020, <https://www.bbc.com/russian/news-54068283>

<sup>10</sup> Maria Kolesnikova is the 4th member of the Presidium who was detained

<sup>11</sup> DW, "Olga Kovalkova announced the forced departure from Belarus", <https://www.dw.com/ru/olga-kovalkova-soobshhila-o-vynuzhdennom-otezde-iz-belarusi/a-54827569>

- Ms Svetlana Alexievich was called for interrogation, and after that there was an attempt to detain her or conduct a search in her house. She left Belarus on 28 September 2020 for medical treatment in Germany.

Women-members of alternative candidates' teams have been also arrested under criminal prosecution: Ms Svetlana Kupreeva from Minsk, coordinator of the initiative group of Mr Victor Babariko, was arrested on 11 June 2020 in Minsk; Ms Tatiana Kanevskaya, a team member of Svetlana Tihanovskaya from Gomel, was arrested on 7 August 2020 and accused in participation in mass disorder. They both have been subject to arbitrary arrest and detention and their right to communicate with the counsel of their own choosing was violated.

The reprisals against women in political opposition constitute a violation of article 7(a) of CEDAW which guarantees the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.

### **1.3 Women – human rights defenders and NGOs activists**

A number of women human rights defenders were arrested and faced reprisals for their active positions.

On 6 September 2020 Ms Irina Suihy, an ecologist and a chairman of the board of public association 'Ecodom', was abducted from her home by three unknown men. She was taken to the detention centre at Okrestina street in Minsk (hereinafter – Okrestina) where she stayed for 5 days. She was charged with participation in an 'unauthorised public event'.<sup>12</sup>

On 8 September 2020 a member of national youth association 'Rada' Ms Stanislava Gusakova was arrested and spent 10 days at Okrestina.<sup>13</sup>

Ms Maria Rabkova, a coordinator of volunteer service of Belarusian Human rights Centre 'Viasna', was arbitrarily detained on 18 September 2020. She is charged with p. 3 of article 293 of the Criminal Code (Teaching or other preparation activities of persons to participate in mass disturbances, or financing such activities).<sup>14</sup>

Ms Olga Gorbunova, a member of the board of public association and a shelter for victims of domestic violence 'Radislava' and an LGBT activist, was arrested and served 8 days in detention at Okrestina.

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<sup>12</sup> Naviny.by, "Ecologist Irina Suihy was sentenced to five days of arrest", 8 September 2020, <https://naviny.media/new/20200908/1599587905-ekologa-irinu-suihy-osudili-na-pyat-sutok-aresta>

<sup>13</sup> Belsat, "A journalist, a member of the youth council "RADA" and the chairman of the strike committee of MTZ were released from the Zhodino jail", 19 September 2020, <https://belsat.eu/ru/news/iz-zhodinskogo-sizo-osvobodilis-zhurnalistka-chlen-molodezhnogo-soveta-rada-i-predsedatel-stachkoma-mtz/>

<sup>14</sup> Charter 97, "Maria Rabkova, Coordinator of the Viasna Volunteer Service, Detained", 18 September 2020, <https://charter97.org/en/news/2020/9/18/393579/>

Ms Viktoria Biran, a well-known LGBT activist, was detained on 26 September 2020 and was given 15 days of the arrest. She is now at Okrestina and there is a high risk of her ill-treatment because of her activism.

On 12 September 'Her Rights' Centre was accused by Belarusian state TV of financing women's marches.<sup>15</sup> A video describing the alleged 'connection' between foreign funding of 'Her Rights' and sponsorship of women protests was broadcasted on state television. This alleged connection is based on the fact that 'Her Rights' received sponsor support from a Belarusian IT-company PandaDoc. The founder of this company Mr Mikita Mikado earlier announced publicly that he was going to help civil officials, police officers and those civil servants who do not want to use violence against peaceful protesters and want to quit their jobs. After that, four employees of PandaDoc were detained, including a husband of the founder of 'Her Rights' Centre Ms Aleksandra Dzikan. They are accused of fraud and face from 3 to 10 years of imprisonment. 'Her Rights' issued a refutation statement in this regard.<sup>16</sup> Ms Aleksandra Dzikan and Ms Tatiana Stryzheuskaya, director of the Centre, left Belarus out of safety reasons.

This form of pressure constitutes a severe obstacle to human rights protection in Belarus. In particular, it creates an atmosphere of fear and intimidation, based on creation of 'exemplary' cases and aimed at freezing the activities of other CSOs. This situation is also alarming for the CSOs, receiving foreign grants and financial assistance, as it is the main source of their existence, given the improgressive and CSO-unfriendly national legislation. By arresting civil activists and human rights defenders, accusing human rights NGOs and CSOs of politically-motivated stands, Belarusian authorities act in violation of art. 22 of International Covenant on Civil and Political Rights, p. 1 art. 2 of International Covenant on Economic, Social and Cultural Rights,<sup>17</sup> and art. 13 of Human Rights Defenders Declaration.<sup>18</sup> Accusations against 'Her Rights' Centre is also a violation of art. 7(c) CEDAW, as it is the only women's rights organisation in Belarus focusing specifically on gender discrimination. In case of its further prosecution, the activities of the Centre will have to stop which would deprive hundreds of women without access to free legal help and restrict

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<sup>15</sup> Tut.by, "How BT linked PandaDoc to "funding women's marches", 12 September 2020, <https://news.tut.by/economics/700239.html>

<sup>16</sup> Her Rights, "Refutation of information in the ATN video about the sponsoring of women's marches by the Center "Her Rights" and PandaDoc", 14 September 2020, <http://www.eeprava.by/2020/09/%d0%be%d0%bf%d1%80%d0%be%d0%b2%d0%b5%d1%80%d0%b6%d0%b5%d0%bd%d0%b8%d0%b5-%d0%b8%d0%bd%d1%84%d0%be%d1%80%d0%bc%d0%b0%d1%86%d0%b8%d0%b8-%d0%b2-%d1%80%d0%be%d0%bb%d0%b8%d0%ba%d0%b5-%d0%b0%d1%82%d0%bd/>

<sup>17</sup> '...the State undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.'

<sup>18</sup> 'everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration'.

their right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

## **2. Violation of the rights of women taking part in the demonstrations and other public events**

### **2.1 Disproportionate use of force and arbitrary detentions**

In order to describe the patterns regarding the situation of women-participants of the demonstrations and other civil and political events, three periods during August-September 2020 will be described below, which differ by attitude of the law enforcement to women-demonstrators and scope of violations: 1) 9-12 August 2020, characterised by massive detentions and hugely disproportionate use of force against participants of peaceful demonstrations, including women; 2) mid August-early September, characterised by wide-spread women rallies and low use of force by law enforcement; 3) September 9-onwards, characterized by disproportionate use of force and targeted detentions of the women-protesters. Below each period and the subsequent violations are described.

**On 9-12 August 2020** the peaceful protests for free and fair elections were extremely spontaneous, having taken place all around the country, and mainly in the evenings and during the night. Women have taken part en masse in these peaceful protests, helped the injured during the protests (especially the representatives of medical services) and observed the situation as journalists. Regardless of the purpose behind the women who were in the locations of the protests, they suffered from disproportionate use of force by police. Women were insulted, harassed, arbitrarily detained and severely beaten, even those who were by-passers in the locations of OMON (a special unit of Belarusian police) operation.

The police used force and means of restraint (traumatic weapon and stun grenades) without distinction against peaceful protesters who did not demonstrate any aggression against police. For example, one of the first injured persons on August 9, was a 19-year-old woman, Ms Maria Zaitseva. She was injured in the temple, and in the result her ear was severely damaged, she got a brain concussion, and lost a lot of blood. A month after the injury she was still in hospital, with ongoing treatment.<sup>19</sup> Another example of Ms Volha Rybakova from Brest. On 10 August 2020 she witnessed from her balcony that police officers were heavily beating a young man and a young woman. When Volha tried to scream and intervene verbally, the police officer shot at her from a traumatic weapon, and she was injured with a rubber bullet in her abdomen. Volha also spent more than a month recovering from the injury.<sup>20</sup>

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<sup>19</sup> Radio Free Europe/Radio Liberty, "Rubber bullets cause necrosis", a 19-years old girl who was injured during the protests has spent a month in the hospital, 10 September 2020, <https://www.svaboda.org/a/30830616.html>

<sup>20</sup> Radio Free Europe/Radio Liberty, "Thanks God, everything is good with me", a dentist from Brest who had been injured by OMON, returned to work, 21 September 2020, <https://www.svaboda.org/a/30850596.html>

Being detained, women-protesters reported brutal beatings, humiliation, threats to life and to sexual integrity at the police transport and in the police station:

- On 11 August 2020 Ms Hanna Saroka was detained when she was returning home. She was severely beaten in the prisoners' vehicle by 6-10 policemen. The interrogation was conducted without a lawyer, and she was forced by the police to admit that she was an organiser of the protests. When the police were not satisfied with her answer, they beat her. During the security check in the police station she was forced to undress in the presence of male police officers.<sup>21</sup>
- On 9 August 2020 Ms Maryna Polikarpova, 55, was detained in Hrodna at the bus stop, when she was trying to go to a safe place. She was severely beaten by the female police officers during the detention and in the police station, despite her age.<sup>22</sup> Now Maryna is also a suspect in the criminal case for resisting a police officer.
- On 10 August 2020 Aliaksandra, 20, was detained in Minsk. She was severely beaten during the detention. In the police transport she was humiliated and threatened to be raped and killed. Here is her testimony: "He [policeman] took my phone and sat on me. He started to look at what I have in my phone. (...) He took a vaseline from his pocket and said "Do you know what we are going to do with you? We are simply going to rape you." (...) They threatened me with death. (...) They stopped the car close to the forest and said: "And? Be ready. Prepare yourself."<sup>23</sup>
- On 11 August 2020 Ms Karina Malinouskaya was detained in Hrodna near her home. She was perceived by the policemen as an organiser of the protests. In the police station they threatened her, humiliated, said that would take her 1,5-year-old child to the orphanage. Then, suddenly someone kicked her in the abdomen, and she said that she was pregnant. After that, she felt bad, and insisted she was hospitalized. The policemen did not believe in pregnancy, but agreed to bring Karina to hospital. In the hospital the doctor confirmed the pregnancy, and said about the dangerous cyst. But the police insisted to take her back to the police station. There Karina was made to look at how other detainees were tortured, she felt bad once again, and was hospitalised. This time she got surgery and, as

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<sup>21</sup> Radio Free Europe/Radio Liberty, "Six OMON officer beaten me with legs and batons", a girl was tortured to confess that she coordinates the protests, 31 August 2020, <https://www.svaboda.org/a/30812638.html>

<sup>22</sup> Radio Free Europe/Radio Liberty, "Shut up, bitch", a 55-years-old woman from Hrodna, bited an OMON officer during detention. She was beaten and now is a suspect in criminal case, 2 September 2020,

<sup>23</sup> Radio Free Europe/Radio Liberty, "Now we will rape you", a 20-years-old girl about torture, 18 August 2020, <https://www.svaboda.org/a/30789965.html>

claimed by her, lost her child. In three days, the police contacted her and demanded her come for interrogation, later she was tried in absentia for administrative offence.<sup>24</sup>

‘Her Rights’ Centre filed appeals to a number of Belarusian governmental bodies<sup>25</sup> concerning the use of disproportionate force against peaceful protesters. In summary, in their responses to ‘Her Rights’ the state bodies stated that either there were ‘inspections carried out in connection with reports filed by individuals regarding the use of force by law-enforcement officials’ or there were no grounds to initiate them.

At least 500-700 women were detained (girls and women from 12 to 70 years old) during these days. They were detained from a few hours to a few days. Some of the women were heavily beaten during every stage of the detention – during arrest, in a bus or a car on the way to the detention center and in the detention center itself. According to the testimony of women, the most inhuman treatment had place in the detention centre at Okrestina in Minsk, where the OMON policemen were especially cruel and used torture.

**On 12 August 2020** women spontaneously went out for the first Solidarity Rally in the centre of Minsk and other cities. They came out in white clothes during the daylight, with flowers, posters, and surprisingly they were not detained by police. And this first rally changed the whole mode of protests. Since 12 August women started to massively protest in different cities during the day, and soon the weekly Saturday women’s marches were established. During several weeks of August women-protesters were not detained during these day-time rallies, police warned the participants that the event was not allowed by authorities, but they did not use force and did not disperse the demonstrations.

**The situation started to change on 1 September** with the brutal detention of the students, both boys and girls during the student demonstrations. **The first women’s rally which was violently dispersed by police became the solidarity rally with Mariya Kalesnikava on 8 September in Minsk.** The police used disproportionate force and detained dozens of women-participants of the action. Since then, women-protesters are detained in the same manner and scope as men, and women’s demonstrations are dispersed in the same manner. The police use water cannons, tear gas and other restraints methods.

All the detentions and dispersals of demonstrations are performed by masked men without any identification signs. Women are often forced to go to the police transport, and are taken by three-four men by force. Police use civil cars without any identification plates. During the detention women are often insulted and threatened. During the dispersal of demonstration, there are documented cases when the disproportionate use of force has led to serious injuries:

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<sup>24</sup> Narodnaya Volya, “As a result I lost my pregnancy”, September 25, 2020, [https://www.nv-online.info/2020/09/25/uvyniku-ya-stratsila-tsyazharnasts.html?fbclid=IwAR3gfc9m9NntEg5xroh4jarz\\_EbytnqCluzC9vPqyGOOGSOwLIPsLIzq7bY](https://www.nv-online.info/2020/09/25/uvyniku-ya-stratsila-tsyazharnasts.html?fbclid=IwAR3gfc9m9NntEg5xroh4jarz_EbytnqCluzC9vPqyGOOGSOwLIPsLIzq7bY)

<sup>25</sup> Ministry of Internal Affairs, Ministry of Defence, General Prosecutor’s Office and Investigative Committee.

- In Homel, a 48-year-old women got a fracture of leg when she was pushed by policemen;<sup>26</sup>
- In Homel, a 22-year-old women got a severe sprain and was hospitalised;<sup>27</sup>
- In Zhodina, the middle-aged woman was hit by the policeman so heavily that she fell on the ground;<sup>28</sup>
- In Hrodna, a woman, who was at the 30th week of pregnancy, was detained by police, despite she clearly stated that she was pregnant and it was quite obvious from her appearance.<sup>29</sup> The representative of the government, instead of investigating that case, stated that the maternity leave was not given for women to take part in the demonstrations, but women must take care of their health and health of children.<sup>30</sup>

The main difference of the current period with the period of August 9-12, 2020, the majority of women detained at the rallies are released the same day. If they are kept in detention, in the majority of cases, they are not tortured, and the detention conditions in some centres have improved. During the recent detentions, women who have menstruation are given sanitary pads which were provided by Belarusian Red Cross Society. Sanitary pads are given out to women as a ‘matter of good will’ of male detention officers who are reluctant to admit that they are part of hygienic packages prepared by the Red Cross, as reported by one woman.

Moreover, women, who have children, are put in detention in violation of the Belarusian legislation. In accordance with the Belarusian legislation women that have children, below the age of 18, could not be punished with arrest as an administrative offence. Being aware of that and intending to punish women somehow, the police detain women at the end of the week – on Thursday, Friday or Saturday – for them to be left under arrest for the weekend, waiting for a trial. For example, on 26 September, the journalist Ms Maria Hryts was detained in Minsk, and she was kept under arrest for three days, despite she has a daughter, who is less than 2 years old.<sup>31</sup> In Bialynichi, Ms Victoria Adamovich was also

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<sup>26</sup> Silnye Novosti, In Homel, the policeman pushed a woman and she broke a leg, 21 September 2020, <https://gomel.today/rus/news/gomel-18279/>

<sup>27</sup> Radio Free Europe/Radio Liberty, In Homel, a police hurt a leg of a 22-years-old midwife during the detention, 14 September 2020, <https://www.svaboda.org/a/30837656.html>

<sup>28</sup> Radio Free Europe/Radio Liberty, In Zhodina, a policeman hit a woman in face, 13 August 2020, <https://www.svaboda.org/a/30836335.html>

<sup>29</sup> Radio Free Europe/Radio Liberty, Brutal dispersal of the demonstration in Hrodna, a pregnant woman was detained, 20 September 2020, <https://www.svaboda.org/a/30848500.html>

<sup>30</sup> Radio Free Europe/Radio Liberty, Vice-Premier: “Maternity leave is not for women to take part in the demonstrations”, 24 September 2020, <https://www.svaboda.org/a/30855968.html>

<sup>31</sup> Naviny.By, A journalist Maria Hryts was released from Minsk detention centre, 29 September 2020, <https://naviny.media/new/20200929/1601381456-zhurnalistka-mariya-gric-osvobozhdena-iz-minskogo-centra-izolyacii>

detained for several days, despite having a child.<sup>32</sup> Once again, instead of investigating these violations, the press-secretary of the Ministry of Internal Affairs stated that women should take care of their families, instead of going out to the streets for protests.<sup>33</sup>

## **2.2 Pressure on women-activists through threats of removal children from their families**

Unjustified separation of children from the family, which has a particularly devastating and harmful effect on children, is a measure of repercussion which backfires severely at women, and which has been practiced by Belarusian authorities in regards to active citizens before.<sup>34</sup>

Starting from the election campaign, there was evidence supporting repercussions towards mothers who are politically active. Ms Vitaliya Naumik from Grodno, Belarus, has been unexpectedly visited on 17 June 2020 by state guardianship office after her husband, Mr Vladimir Naumik, was detained on 29 May 2020 by the police when he was passing by the point of gathering signatures supporting Svetlana Tikhanovskaya's candidacy at Soviet square in Grodno.<sup>35</sup>

Women-protesters are also threatened that their children could be taken away from them if they continue to take part in the demonstrations. During the last two months, the parents, whose children have been detained at the protests or who, themselves were detained or took part in the political and civil activities, are threatened with Decree No 18 and taking their children away from families. In September the representative of the General Prosecutor's Office stated that the participation of children in the demonstration would result in the administrative liability for their parents, including taking children away from families in accordance with the Resolution of the Council of Ministers No. 22 on socially dangerous situation and Decree No 18.<sup>36</sup> Such an ungrounded control from the side of the state guardianship office towards the children of protesting parents is a part of politically motivated cases where the punitive and deterring measure for active citizenship is a removal of a child from parental custody. In August in Homel two children of the Snezhkovy family were taken to the orphanage, following arrests of their parents despite two other adult siblings living together with them. After the trial, the mother managed to return children to the

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<sup>32</sup> Radio Free Europe/Radio Liberty, "They wanted to break the spirit of resistance": the story of single mother who were detained for several days, 11 September 2020, <https://www.svaboda.org/a/30833956.html>

<sup>33</sup> Telegram, Ministry of Internal Affairs of Belarus, <https://t.me/pressmvd/2121>

<sup>34</sup> See cases of a political activist and human rights defender Ms Alesya Sadouskaya, a political journalist and a wife of ex-candidate to President Mr Andrei Sannikov Ms Irina Khalip, an independent editor Mr Ales Lahvinets, a journalist of independent TV-channel Belsat Ms Larisa Shchiryakova.

<sup>35</sup> <https://news.tut.by/society/689229.html>

<sup>36</sup> Radio Free Europe/Radio Liberty, General Prosecutor's Office: More than 200 protocols were composed on the facts of participation of children in mass disorder, 11 September 2020, <https://www.svaboda.org/a/30833705.html>

family.<sup>37</sup> In August in Minsk Ms Alena Lazarchuk, the activist of the European Belarus initiative was detained, and once again, while there were adult siblings, Alena's son was taken to an orphanage. He spent two days there and then returned to the family.<sup>38</sup>

### **3. Violation of the human rights of women in detention**

As of 30 September 2020, approximately 1269 women have been detained since August 2020. This is about 11% of the total number of the detained persons since August 2020.<sup>39</sup> However, the total number of women detained on August 9-12, and those in need of medical help after torture is unknown. No single criminal case was initiated by the police or prosecutor's office on the facts of torture and arbitrary detention of women.

'Her Rights' Centre has been carrying out interviews and preparing complaints for women who suffered from the police brutality and ill-treatment as a part of activities of the International Committee of Torture Investigation in Belarus (hereinafter – Committee).<sup>40</sup> All interviewed women who were detained during the protests describe inadequate conditions of detention and treatment which amount to torture or other forms of ill-treatment.

#### **3.1. Sexual violence**

The majority of the women interviewed by the Committee did not suffer from extreme forms of physical violence.<sup>41</sup> However, some of the interviewed women reported sexual violence from the side of the OMON police in the form of threats of being beaten or raped by a group of people or by using some objects. There have been reports of a few cases of rapes and other forms of sexual violence<sup>42</sup> and extreme and abusive language: "We will gang rape you if you don't shut up". There were reports that OMON was specifically targeting young and good-looking women for their comments and threats of sexual character. However, although we did not interview any women who were subject to rape, we were told by other interviewed women that they personally either encountered them in cells at Okrestina, or, in one instance, were told by an investigator that he 'has a complaint on his

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<sup>37</sup> Radio Free Europe/Radio Liberty, A mother of four, whose husband was arrested and children were taken away was fined, 30 September 2020, <https://www.svaboda.org/a/30866136.html>

<sup>38</sup> Radio Free Europe/Radio Liberty, "She was said that no one took a child away". Two days later Alena Lazarchuk was returned her 6-years-old son, 19 September 2020, <https://www.svaboda.org/a/30847321.html>

<sup>39</sup> The numbers are approximate and have been calculated according to the data acquired from volunteer service of Belarusian human rights centre 'Viasna', which is the major entry point for the detained persons and their relatives. Estimated measure of inaccuracy in numbers of the detained women is 5% - 652 persons.

<sup>40</sup> The Committee was founded on 20 August 2020 by Belarusian and foreign NGOs in response to unprecedented, grave and brutal human rights violations following Belarus' August presidential election.

<sup>41</sup> There were reported bruises and bad closed wounds.

<sup>42</sup> Facebook of Daria Tsaryk, NGO Radislava coordinator, post made on 18 August 2020, <https://www.facebook.com/dariatsaryk/posts/1754292068058279>

table from a woman with a tattered uterus'. This assumption is also supported by mass media sources and by public association 'Radislava' – they received several calls from relatives and doctors claiming that they treated patients who were raped in detention.

We are sure there are more victims of police rape than reported as it is clear that women who were subject to rape in detention experience great psychological trauma and turn inward. This assumption is shared by 'Radislava' as well. There is also a possibility that women whom we interviewed chose not to reveal the fact that they were raped because of shame and guilt. We estimate that it may be possible to talk to victims of rape only after they received appropriate psychological help and are ready to talk about it.

### **3.2 Conditions of detention**

Based on the conducted interviews it could be concluded that women were not tortured on purpose in detention, in general, as men. For example, at the police stations, where all detained persons were collected, women were generally allowed to use toilet, and to sit after hours of waiting for their transportation to Okrestina – as opposed to men who all this time were forced to either stand by walls with their legs spread and arms crossed behind heads or to be kneeled with a head on the floor. Together with that, some women were kept outside for the whole night, and were not provided with warm clothes.<sup>43</sup> Physical violence was usually used to lesser extent in comparison with men.

In the detention centers and police stations women were forced to witness torture of the men. The torture took place in the neighboring space, and women were constantly hearing screams and other sounds of torture. Some were detained with their husbands or sons, and could recognise their voices. In some detention centres women were made to witness torture being kept in the same space. Female detainees were also often threatened with increased violence toward men, being punished for a long time in prison.

The detention conditions were inhumane and not attuned for specific needs of women. The authors of the report documented that there were as many as 36-50 women in 4 or 6 persons cells at Okrestina. There were not enough sleeping surfaces and women were sleeping on and under beds, on the floor, near the toilet bowl, even inside bedside-tables. They were not given bed linen. The mattresses and pillows, if there were any, stunk and were unhygienic. In some cases, there were plastic bottles in cells which were used by all women in a cell to drink tap water despite the COVID-19 pandemic. All women mentioned that they were hearing cries and moans of men from their cells who were beaten and tortured in Okrestina yard, which was 'impossible to bear'. There was no hot water and first were not provided with food/water and parcels from their families.

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<sup>43</sup> We were told by one woman that as they were kept in the 'walking yard' at night and started to complain of cold, some soldiers in military clothes gave them their own capes. This, however, is an exception which is likely to be a personal choice rather than an order from a commander.

There were numerous reports that women who needed urgent medical assistance because of chronic diseases or who were seriously wounded due to the police and OMON mistreatment were ignored despite requests to detention centre officers. There are reports that these officers became more aggressive and irritated with the requests of medical help, food and water, which were considered by them to be ‘bad behaviour’. In case of ‘bad behaviour’, a ‘feeder’ – a small feeding window in the door, which created the only access to oxygen – was closed by detention centre officers. Another form of punishment for ‘bad behaviour’ was throwing a bucket of water inside the cell. Given its overcrowdedness, many women became wet and were deprived of sleeping surfaces as the water was spilled on beds and floor, creating moisture and lack of fresh air. Women were routinely shouted at and verbally abused, beaten by the police. Policemen were rude, they humiliated and threatened women.

### **3.3. Gender-sensitive aspects and discrimination**

In one interview a woman reported that she was denied use of the toilet when detained by OMON. As a result, she had to urinate at the back of the bus full of male OMON officers and other detained persons, where she was kept for hours.

At Okrestina women were denied menstrual and basic sanitary products. “Her Rights” interviewers were told that more than a half of women in the same cell started to menstruate earlier because of stress, none of them had menstrual products. The blood was visibly dribbling down their legs and this was an additional source of abuse and mockery from the side of detention officers and OMON, both in detention centres at Okrestina and in Zhodino. One woman recollected that she was sitting in a cell for a few hours in menstruation blood, and still bleeding when she was taken to court. Every time when she was asking for pads, she was verbally and physically abused and threatened to receive a tougher sentence.<sup>44</sup> Women who were transported to Zhodino after their detention at Okrestina report that the conditions of detentions were better, they were not as many in cells as in Okrestina. During the interview a woman told that in Zhodino a male detention officer brought a pack of menstrual pads to one cell, however he was surprised that it was not enough.

The staff of the detention centres was mainly men, and there was no privacy – there are no doors at the toilet in the cells, and policemen and detention officers could anytime look through a peephole in the door. At Okrestina there was a camera right above the toilet in the so-called ‘walking yard’ where dozens of women were kept for hours before their relocation to the cells. After spending hours in the cold, waiting to be taken to the toilet, they started to use this toilet despite the camera: “I don’t care anymore who sees me”. There were also cameras inside the cells. It is unknown who has access to them.

As reported in the latest interviews of women detained in mid-September, in Zhodino, women were taken by detention officers to take shower. The showers themselves lasted no more than 10 minutes. There were only male detention officers and after 7-10

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<sup>44</sup> RFI, New evidence of torture, 700 detainees - fourth day of protests in Belarus, <https://bit.ly/3ncVjCZ>

minutes they opened the door of shower room regardless of whether women were naked or half-naked and led them back to their cells.

In Zhodino it was impossible to use the toilet, located in the cells, discreetly. Those women who had to use them apologised before all other women because the ventilation was very poor and they were embarrassed. It was reported that one woman decided to go on a hunger-strike because of this reason.

#### **4. Situation of women-relatives of the detainees**

As a result of the government's refusal to provide information on the whereabouts of the detainees, women-relatives suffered mental anguish which violated their right to freedom from torture or to cruel, inhuman or degrading treatment.

'Her Rights' Centre dealt with two cases of pregnant women, who were unable to establish the whereabouts of their detained husbands for days, despite numerous appeals to the administrations of different detention facilities. For example, one pregnant woman was looking for her husband detained on 9 August 2020 for four days, but received no information from the state officials. Her physical and mental condition deteriorated due to the suffering caused by the disappearance of her husband, blackout of the Internet and subsequent reports of torture in detention centres by media. The woman reported she had nightmares and experienced fear when she accidentally appeared in the crowd of protestors.

Women also experienced severe mental suffering due to arbitrary arrest and detention of their relatives. On 10 August, Ms Yuliya Sakharuk and her husband Anatoliy went to celebrate his birthday and were not participating in protests.<sup>45</sup> However, Anatoliy was detained. As a result of stress, 32 year old Yuliya experienced an ischemic attack and a stroke, her left arm and leg are paralysed. She is currently undergoing medical treatment at the neurosurgery hospital's department.

On 24 September the mother of a tortured adolescent Timur died.<sup>46</sup> On 12 August Timur was apprehended and tortured in detention. He was taken to intensive care with severe injuries. On 3 September he was detained for the second time and interrogated in the course of a criminal case opened against him. Timur then again appeared in intensive care. There are reports that he left Belarus. Their relatives said that the state of health of his mother deteriorated due to all that happened to her son.

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<sup>45</sup> RFI, "A 32-year-old woman has a stroke after her husband was detained. There are 4 children in the family", 2 September 2020, <https://www.svaboda.org/a/30817220.html>

<sup>46</sup> Tut.by, "The mother of Timur, a beaten and missing teenager, dies", 25 September 2020, <https://news.tut.by/society/701781.html>

**Recommendations:**

- Immediately initiate a criminal case under Art. 128 of the Criminal Code of the Republic of Belarus on the facts of mass and systematic torture and acts of cruelty that took place in the Republic of Belarus after the presidential elections on 9 August 2020;
- Initiate immediate investigation on the conditions of detention and ensure that a gender-sensitive approach is applied to detained women that includes, inter alia, access to free and unlimited hygienic products for women and contact with female detention officers, and in justice systems and provide compensations for victims of human rights violations;
- Immediately release all political prisoners, and persons being under unlawful administrative prosecution and arrests;
- Ensure the right to family life and refrain from arbitrary interventions in the families and from arbitrary removals of children from the families;
- Inform women-relatives of the detainees on their whereabouts on short notice in accordance with national legislation;
- Regularly provide information on the progress of the investigation to the media and periodically hold briefings inviting non-state media and human rights organisations;
- Provide free and confidential psychological help and rehabilitation to victims of violence;
- Cooperate with UN bodies and Human Rights Council special procedures and a mission of independent experts established under the OSCE Moscow Mechanism.