

BELARUS

GIRLS AND YOUNG WOMEN'S ACTIVISM

SUBMISSION TO THE UN WORKING GROUP ON DISCRIMINATION
AGAINST WOMEN AND GIRLS



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INTRODUCTION

This report is prepared by the Belarusian Helsinki Committee in the framework of the call issued by the UN Working Group on discrimination against women and girls.

Founded in 1995, the Belarusian Helsinki Committee (BHC) is one of the oldest human rights defenders organization in Belarus. The list of its founders includes the nation's most prominent leaders such as Vasil' Bykau, Sviatlana Alexievich (Nobel prize in literature 2015).

BHC sees as its main objective creating of civic context, in which citizens, businesses and the government would realize that a comfortable and convenient living environment in the country may only be established through active participation and collaboration of all actors. In this way, BHC promotes human rights as paramount element of economic and human development.

BHC works mainly on six major human rights topics, such as: business and human rights (the topic has never been widely discussed in Belarus, and BHC, in fact, is pioneering business and human rights), discrimination (BHC carries out research and promotes the introduction of special anti-discrimination legislation), human rights based approach (BHC promotes incorporation of human rights instruments in project development at various levels), international human rights mechanisms (BHC promotes the use of the mechanisms by non-human rights organizations and develops electronic resources for assisting these organizations), national human rights mechanisms (BHC examines the legislation and addresses its gaps in order to provide as many protective measures as possible), death penalty (BHC carries out research and opens new aspects of death penalty such as overall brutalization of societies in which death penalty is practiced, for those interested).

BHC has a huge experience in expertise in the topic of equality and non-discrimination. The organization has prepared hundreds of proposals to state bodies on improving legislation and practice in the field of human rights. Dozens of reports and communications to the UN Special Procedures, treaty bodies were sent in order to strengthen the rule of law and good governance. For many years, BHC reinforces the ability of CSOs to effectively work further on reporting to UN mechanisms and on advocacy in dialogue with the government. Among other things, BHC also helps NGOs to use UN mechanisms through training, support and creating special web resources for NGOs.

The report contains information on the legislative framework and state practices with regard to promotion Girls and Young women's activism.

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I. NATURE, MODALITIES AND TRENDS OF GIRLS' AND YOUNG WOMEN'S ACTIVISM

The Constitution of the Republic of Belarus, in addition to the general principles of equality before the law and non-discrimination (Article 22), proclaims: Women are provided with equal opportunities with men in education and vocational training, in work and promotion, in socio-political, cultural and other spheres of activity, as well as the creation of conditions for the protection of their work and health. Constitutional norms are reflected in separate laws that directly or indirectly regulate the issues of the life of men and women.

Nevertheless, in real life there is a gap between formal-legal and substantive equality of men and women¹.

The disadvantage that affects, among other things, the issues of activism of girls and young women is that Belarus has not yet adopted both comprehensive anti-discrimination legislation and legislation in the field of gender equality. The existence of general provisions in Belarusian legislation concerning the principles of equality and non-discrimination cannot replace comprehensive anti-discrimination legislation. Without its adoption, it is impossible to achieve effective realization of the right to equality and protection from discrimination. The problem of applying the equality norms existing in the current legislation is that they do not contain a modern elaborated detailed conceptual apparatus and are not supported by effective mechanisms for their implementation. In practice, this leads to the fact that the facts of unequal, discriminatory treatment are not properly evaluated, and the persons subjected to such treatment do not receive effective protection. Thus, appeals to the court for protection against discrimination are ineffective largely due to the lack of detail of anti-discrimination provisions and procedures in national legislation, and the courts do not directly apply the constitutional norm on equality in resolving specific cases. In this regard, judicial practice has not been developed in this category of cases².

In general, the Belarusian authorities do not understand that overcoming discrimination and achieving equality between the sexes require changing the very principles of political thinking, which should

¹ "Half an hour before spring": Report on inequality and discrimination in Belarus, Equal Rights Trust in partnership with Belarusian Helsinki Committee, 2013:

https://www.equalrightstrust.org/ertdocumentbank/belarus%20cr_russian_4web.pdf p. 133

² Discrimination of certain vulnerable groups in Belarus : Report / D. Chernykh, O. Gulak. - Minsk: Belarusian Helsinki Committee, 2018:

https://belhelcom.org/sites/default/files/discrim_uyazvimje_rus.pdf – p 34

be based not on ensuring the reproduction of functions (productive and/or reproductive), but on the development and observance of the rights of an individual. The current situation in Belarus is characterized, on the one hand, by the stable employment of women in the public sphere due to the socially oriented policy pursued by the state, and on the other hand, by unflagging gender traditionalism.

There is no specific normative regulation for the activism of young women and girls in Belarus. The Law of the Republic of Belarus of November 19, 1993 No. 2570-XII "On the rights of the child" does not single out girls as a separate subject requiring additional attention. At the same time, in accordance with the Law "On the Rights of the Child", girls, on an equal basis with boys, have the right to receive, store and disseminate information, freedom of expression, as well as the right to freedom of association. In accordance with the Law of December 30, 1997 No. 114-Z "On mass events", girls cannot organize meetings, pickets and other mass events.

The Law of December 7, 2009 No. 65-Z On the Basics of State Youth Policy also does not see girls and young women as a separate subject. The main directions of the state youth policy are: civic and patriotic education of youth; promotion of a healthy lifestyle of youth; state support for young families; promotion of the right of youth to work; state support for youth in education; state support for talented and gifted youth; implementation of youth personnel policy; promotion of the realization of the right of youth to unite; promotion of the development and implementation of youth socially significant initiatives; international youth cooperation.

There is no active and well-established space for youth development in Belarus. In fact, activism is available only if it corresponds to the national agenda. Any other initiatives are suppressed. Before the events of 2020, there were youth parliaments and various youth groups in Belarus. However, most of them were not "free" and were run by adults or larger organizations, and those that were "free" were under pressure.

Before the complete liquidation of NGOs in Belarus, which occurred in 2021, there were NGOs focused on women's rights and run by young girls. Young women and girls also participated in other independent youth unions and organizations. However, now it is impossible without the risk of criminal prosecution.

There is no formal discrimination against the leadership of such organizations, and only gender stereotypes that are still present in society at the moment, although they are less common among young people, can become a problem for girls and young women's activism.

Many girls make efforts to spread their ideas through social networks. At the same time, of course, the information is not accessible to everyone, since it reaches only those who have access to the Internet and the skills to use it.

Among the most well-known activist communities, organizations run by young women or girls are not so common. One reason may be that formal organizations run by adult activists have more resources and contacts, so they are more visible than informal groups created and led by young women or girls. This leads to the fact that girls and young women are more often subordinate to adults, which limits their opportunities for self-expression and promotion of their own ideas. Nevertheless, it is worth noting that in many organizations headed by adult women or men, young female activists have the opportunity to express themselves and be heard. This includes organizations that have been created and run by adults, but focus on the problems of girls and young women and include them; organizations that have been created and run by adults, where girls and young women play a very active role in the daily organization of the group; organizations created by adults, but led and managed by girls and young women, etc.

Moreover, there is also informal activism in Belarus, when girls express their position not within the framework of any organization, but individually. Although organizations can be useful, the existing ageism in Belarus can make young girls feel inferior and unheard.

In general, there is a trend of active participation of girls and young women in grassroots initiatives. The audience that comes to the trainings, participates and creates initiatives on gender, reproductive health and sex-education are girls or non-binary persons.

Women's activism in Belarus focuses mainly on the topic of discrimination, including domestic violence, labor rights, access to education, gender stereotypes. However, the girls also deal with other issues. This became especially evident in 2020, when the protests taking place in Belarus were called a "women's protest". Many young girls took to the streets peacefully protesting violence and election fraud.

II. ENABLING FACTORS AND GOOD PRACTICES

The role of the State in providing opportunities for activism among young women and girls is minimal. However, it should be noted that Belarus is adopting national plans to achieve gender equality. The latest National Plan for 2021-2025 entered into force on January 7, 2020. This plan is aimed at developing an institutional mechanism for ensuring gender equality, equalizing the socio-economic opportunities of men and women, ensuring gender-oriented health protection, countering domestic violence and human trafficking, and providing information and educational support for measures aimed at ensuring gender equality.

NGOs, not the state, play a large role in promoting the agenda for the participation of girls and young women.

For example, the Belarusian Helsinki Committee (the BHC) has been promoting a human rights-based approach for several years, one of the focuses of which is gender equality issues. The manual “Human Rights-based Approach” was developed for lawyers, fundraisers, project managers³. BHC also conducted a number of trainings for NGOs and representative offices of international organizations on the use of human rights based approach. For example, in 2017, a seminar was held for the Representative Office of the European Commission in Minsk. In addition, the BHC experts in 2018-2019 talked about the use of a human rights-based approach at trainings on writing project applications and project management.

It also should be mentioned, in regard to the role of NGOs, that public association “Radislava” planned to open a safe space cafe where women who live in their shelter would work, but because of COVID-19 and social repression, the project had to be closed.

There are many other examples of NGO activities in this direction.

³ Human rights based approach: Manual for lawyers, fundraisers, project managers.
<https://belhelcom.org/sites/default/files/hrba.pdf>

III. CHALLENGES AND STRUCTURAL BARRIERS

First of all, it is important to note that in Belarus there is a general discriminatory context against women, which cannot but influence activism among young women and girls.

Gender stereotypes

Gender stereotypes and patriarchal attitudes as to the roles and responsibilities of women and men in society and the family prevail in the Republic of Belarus. In particular, this is reflected in the unequal distribution of household and child-rearing responsibilities between women and men. As of 2017, only 1 % of fathers took paternity leave. Stereotypes are one the main reasons for men's reluctance to use this opportunity according to the Deputy Minister of Labour and Social Affairs⁴.

The Education Code of the Republic of Belarus identifies one of the components of upbringing as gender upbringing, which, in the opinion of lawmakers, constitutes "...the student's shaping of notions about the role and purpose of men and women in contemporary society." Thus, gender upbringing is based on the traditional gender role approach, which shapes students' understanding of themselves as girls or boys in the conventional sense.

For example, schools still offer life skills lessons where the class is divided into two groups by gender. Generally, girls receive instruction in the basics of cooking, gardening, sewing, knitting, etc. (in essence, service work), while boys receive technical instruction in woodworking, carpentry, etc. This kind of division does not allow for student preference or the development of individual abilities and helps entrench stereotypes regarding the division of labor into traditional "male" and "female" roles⁵.

In addition, the analysis of textbooks for primary, secondary and high schools⁶ has demonstrated that the courses on literature reproduce traditional norms, notably sexism in relation to girls and women. They

⁴ "On the International Family Day, family policy issues were discussed with journalists at the National Press Center": http://pravo.by/novosti/obshchestvenno-politicheskie-i-v-oblasti-prava/2018/may/28868/?fbclid=IwAR3l_gDUZitRLj1CxIusFMWNNosqarjzeZv5UJKodJAMFHGa1nEGgYyNADo

⁵ 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: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BLR/INT_CEDAW_NGO_BLR_25387_E.pdf p. 3

⁶ Tatiana Schurko. From policy to practice: gender analysis of Belarusian school textbooks. 2nd International Congress of Researchers of Belarus, Working Materials, Vol. 2 (2013).

present the patriarchal division of roles between men and women in the life of the society which associates the sphere of social/public life with men (work, politics, businesses, etc.) and the sphere of the private – with women (household, family and children). Similar conclusions can be found in the study of practices of teaching Russian and literature in the ninth form of one of the general education schools in Minsk⁷.

The labor sphere

Despite the legally grounded existing prohibition of discrimination in labour sphere, the stipulated mechanism of protection through the judiciary is ambiguous. Although gender wage gap has decreased from 33% in 2015 to 24% in 2019 it still represents a significant divide in the society and impedes access to equal pay for equal work for women. During the course of job interviews women are often asked about their marital status and their parenthood by the employer. Such questions are generally accepted and regarded as a norm by employers. Labour legislation does not contain any specific mechanism to combat this issue. It is almost impossible for a woman to provide proof of discrimination and seek redress in court. Women's labour continues to prevail in traditionally low-paid areas – social care, culture, education, healthcare⁸.

The Her Rights Center has anonymous evidence of instances of sexual harassment and other actions of a sexual nature in the workplace. Women generally start telling their relatives and friends about harassment after they have resigned. They rarely want to appeal to a court for help for a number of reasons, including lack of emotional strength, the intimate nature of the topic, the fact that instances of sexual harassment are extremely difficult to prove, etc. Victims note that there are not usually any witnesses to the harassment, and if there are, these witnesses are scared to lose their jobs and will most likely refuse to testify. Women also have a hard time deciding to file a complaint because they are frequently ashamed and blame themselves for what happened. All of this is compounded by fear of losing their jobs or being fired “under an article” (in other words, for an egregious error or a disciplinary violation, making it very difficult to find another job). Finally, women frequently do not know how to solve the problem and whom to ask for help⁹.

⁷ Irina Goroshko. (Re)production of gender relations in school educational practices, with the example of Russian language and literature in Minsk school. 2014. 3rd International Congress of Researchers of Belarus, Working Materials, Vol. 3 (2014).

⁸ Report on gender equality and women's rights in Belarus. October 2, 2019. Prepared by coalition of national CSOs in the framework of the Universal Periodic Review, paras 16-20

⁹ 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:

Participation in public affairs

Despite the recommendations earlier expressed by the Committee, Articles 193 and 193.1 of the Criminal Code of the Republic of Belarus are still in force. Thus, participation in unregistered public associations, including those gathering women, is a criminal offence punishable, among other penalties, with deprivation of liberty for the term of up to two years. At the same time, the registration procedure of public associations remains extremely complicated. The formulations of possible grounds to reject registration of public organisations are very vague and give a chance for the Ministry of Justice to reject registration based on a wrong spelling or other insignificant defects in drawing up documents. Moreover, in 2016 the registration of at least two women's organizations which wanted to work in the sphere of countering gender-based discrimination was rejected under the pretext that the legislation of the Republic of Belarus forbids any gender-based discrimination. Therefore, recognition of the existence of such discrimination violates the law. Thus, state bodies are openly hampering the activities of NGOs aimed at the achievement of equality between men and women in Belarus¹⁰. The legislation sets significant restrictions on obtaining funding for NGOs from both domestic and foreign sources. NGOs are prohibited from receiving foreign funding in any amount without the permission of the Department for Humanitarian Affairs. NGOs can receive assistance from legal entities only for the purposes specified in Presidential Decree No. 300. Among them there is no protection of human rights, animal protection, anti-discrimination, gender equality, etc. For all other purposes, an NGO can receive funds from business only with the consent of the President¹¹.

Politicians and other public representatives of state institutions continue to convey stereotypical and frequently discriminatory statements about women in interviews and speeches. One example is a video interview given by Nikolai Ulakhovich, chair of the Belarusian Patriotic Party, during the parliamentary campaign in 2016. During this interview, he stated that a woman's primary responsibility is to raise children and that "gender equality is perverting society."¹²

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BLR/INT_CEDAW_NGO_BLR_25387_E.pdf p. 7

¹⁰ Answers to the List of issues and questions prior to the submission of the eighth periodic report of Belarus, SUBMISSION BY BELARUSIAN NGOs:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BLR/INT_CEDAW_NGO_BLR_25453_E.pdf, p. 8

¹¹ Coalition Report by the Belarusian human rights organizations on the fulfilment by the Republic of Belarus of its human rights obligations:

https://belhelcom.org/sites/default/files/en_by_upr_coalition_report_1.pdf para 62

¹² <http://naviny.by/article/20160824/1472018817-nikolay-ulahovich-lukashenko-otec-nacii-ego-mozhno-sravnit-so-stalinyam>

In another example, Lidia Ermoshina, chair of the Central Election Committee, has repeatedly spoken out sharply on the topic of women's participation in political life, thus conveying traditional, discriminatory attitudes:

"Women are not interested in politics, they are apolitical by nature."¹³

On the eve of the 2020 elections, the President of the Republic of Belarus stated:

"Our constitution is not for a woman. And our society is not ripe for voting for a woman. Because according to our Constitution, the president has a strong power. <...> The president will be a man, I am absolutely convinced of this."¹⁴

In 2020, a key barrier to activism appeared in Belarus, including among young women and girls. Representatives of the authorities used direct violence against women (as one of the vulnerable groups) participating in peaceful actions and allowed various forms of inhuman and degrading treatment, ignored the special needs of women in penal institutions.

In the general trend, it can be traced that physical torture against women on August 9-13 had less coverage than against men, however, the percentage of women detained at rallies on these days is significantly less.

Medical care was not provided to women, or was provided in rare cases. Psychological and physical (including sexual) violence against women occurred almost everywhere and at different stages of interaction with representatives of law enforcement agencies: at the time of detention, transportation to places of detention, in places of detention, in places of punishment.

In all penal institutions, the provisions of the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) were violated, namely the following: the women's departments of the prison should be under the supervision of a responsible female employee, no male employee should be allowed into the women's department unaccompanied by a female employee, supervision of women should also be carried out by female employees.

¹³ <http://www.kp.by/daily/26574/3590093/>

¹⁴ Radio Free Europe Radio Liberty "As Lukashenka Clings To Power, His Trusty Machismo Is Losing Its Allure": <https://www.rferl.org/a/as-lukashenka-clings-to-power-his-trusty-machismo-is-losing-its-allure/30795991.html>

In most cases, the State does not comply with the following United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules):

- communication with relatives, access to legal aid, information about internal regulations and where to apply for help (Article 1, Rule 2);
- provision of personal hygiene products for women, including during menstruation (Rule 5);
- comprehensive medical examination upon admission to establish cases of sexual and other forms of violence that a woman may have been subjected to before entering the place of detention (Part 1, Subparagraph (e), Rule 6);
- when cases of sexual or other forms of violence are detected, inform the woman about the right to appeal to the investigating authorities and, upon receiving her consent, transfer the case to the competent investigating authority (Article 1, Rule 7);
- to provide women prisoners with gender-sensitive medical care at least equivalent to that provided at the place of residence (Article 1, Rule 10);
- instead of strip searches and invasive personal searches, the use of alternative methods of inspection (Rule 20);
- provision of protection, support and advice to women prisoners reporting abuse, and investigation by a competent and independent body (Article 1, Rule 25).

In addition to the above-mentioned violations cynical assessments of male guards of the appearance of female prisoners and features of female physiology, emphatically emphasized insults to them as women, refusals to issue women-specific personal hygiene products and other similar actions were documented¹⁵.

Ageism

Among the problems faced by young women and girls, the currently existing ageism should be mentioned. It leads to the inability to fully express their views and ideas, as well as to the feeling among girls that their work is not appreciated.

Vulnerable groups

Activism today is more accessible to girls with a high level of education, born in cities, etc.

However, activism is the least accessible for Roma women, due to the serious discriminatory context against them. The education level of

¹⁵ Mass torture in Belarus, 2020: https://www.legin.by/uploads/20210221_6032ad8522584.pdf

Roma women is extremely low as compared with the general level of women's education in Belarus. Thus, in the age bracket of 25-35 years, about 50% of Roma women only have primary education; about 50% have general basic education (9 school grades); in the age bracket of 35-45 years, as many as 90% have only received primary education.

The major obstacle in the education of Roma girls is the tradition of early marriages. Thus, in 2014-2015, in 7 regions with concentrated Roma communities, 56 early marriages were fixed, 18 which made a little less than 50% of all the marriages (both registered at Civil Registry Offices and factual) that occurred in these communities. The average marriage age of Roma girls is 16-17; and two cases are known, when girls got married at the age of 14. In 70% of early marriages, girls quit school. Further still, 95% of young families have no permanent employment and funds to maintain their families. About 47% of families formed by early marriages live in de facto unions which, in its turn, entails the impossibility of benefiting from programmes of social support for young families in Belarus. According to the study conducted in 2014,¹⁹ on average about 30% of Roma women in the age group of 25-45 years are officially employed. Most Roma women are employed for seasonal works; they are housewives, but also engage in illegal entrepreneurial activities (trade and various "magical" services). The absence of legal employment is caused by: 1) the absence of necessary education and qualifications; 2) hindered access to training programmes and absence of motivation to study; 3) discrimination in employment. According to public Roma mediators, 100% of Roma women of all age brackets complain about the absence of educational programmes for adults and mass discrimination in employment. This discrimination is expressed through refusals to hire Roma women, even if there are vacancies suitable from their viewpoint. There are no written complaints against such discrimination because of poor literacy among Roma women and due the absence of proper anti-discrimination legislation which could allow to efficiently defend their rights in such cases.

The so-called "ethnic profiling" by employees of the MIA is expressed through arbitrary detentions and fingerprinting of Roma women. The MIA employees explain such actions by the need to prevent offences or by orders of their bosses. Arbitrary detentions are most frequent in the area of the Minsk Railway Station; Roma women activists and public mediators from Tolochin, Gomel and Nesvizh were subjected to such detentions, the republic's coordinator of the Roma women's network among them. The women were detained for more than three hours and subject to fingerprinting. In general, public Roma mediators note a certain decrease in the number of detentions in the country's regions; however, in Minsk, the number of such cases is on the rise. The practice of arbitrary detentions and forced fingerprinting makes

Roma women give up travel outside the places of residence of Roma communities, intensifying the fear of MIA employees.

Apart from that, law enforcement bodies use their official resources to spread hate speech against Roma women. Such publications use a set of notions which have negative connotations in public consciousness (in particular, they frequently use the word "Gypsies" instead of "Roma women"), disseminate negative stereotypes about the ethnic group as a whole, and make generalizations when mentioning the ethnicity of an offending woman in connection with an offence committed by her¹⁶.

The risk of emotional burnout

Another barrier is the risk of burnout. Young women and girls may not fully realize the importance of taking care of themselves, and overload themselves with work, without actually resting. The situation is aggravated by the fact that the state does not encourage, but tries in every possible way to interfere with the activity.

¹⁶ Answers to the List of issues and questions prior to the submission of the eighth periodic report of Belarus, SUBMISSION BY BELARUSIAN NGOs:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BLR/INT_CEDAW_NGO_BLR_25453_E.pdf, p. 10-11

IV. EMERGING ISSUES

A new challenge, which should be noted, is repressions against activists that have become especially toughened in 2020-2021. Today it is dangerous not only to actively express one's position and promote ideas, but also, in principle, to be a member of non-governmental organizations, to have some kind of connection with them or to be an activist. For this reason, there are practically no activists "on the ground" in Belarus at the moment - they were forced to leave the country and continue their activities remotely.

In this regard, digital progress plays an important role, because today technologies allow activists to express their opinions and ideas almost freely and convey them to the audience. Moreover, COVID-19 has already transferred most of the events to an online format.

V. RECOMMENDATIONS/ THE WAY FORWARD

- To adopt comprehensive anti-discrimination legislation, containing specific positive measures to ensure the rights of vulnerable groups, including girls and women;
- To take steps to encourage youth leadership in the development and support of youth organizations, as well as to encourage "girl-led activism";
- To create a comprehensive and detailed description of the activity of girls and young women and promote it. This would help organizations seeking to support and encourage the activism of girls and young women to learn more about the needs and priorities of activists and focus their efforts on this;
- Organizations interested in working with girls and young women activists need to consider how their programs or initiatives meet the desires of these groups and how they can create appropriate conditions for girls and young women to make decisions and lead;
- To give girls the opportunity to lead, but also to create a generational connection so that older activists help the young and share their experience;
- To support girls and young women to start organizing into communities;
- NGOs should also make efforts to find activists from among girls and young women from different social groups;
- It is extremely important that organizations working with young women's girls and activists help them understand the importance of taking care of themselves. It is also necessary to take care of their well-being and, if necessary, provide psychological support;
- The State needs to stop the persecution of activists, including young women and girls, as well as simplify bureaucratic procedures for creating its own organizations and obtaining funding for its activities and ensure proper legal regulation of the issue under consideration.