**Summary**

The rights of LGBT persons in Belarus are systematically violated by the Republic of Belarus. The violations affect not only the right to freedom of religion, but also civil and political rights, including the use of violence and torture by the state officials and lack of access to a fair trial. Negative public discourse at the highest level, as well as active lobbying for the so-called "traditional values" by representatives of Belarus' religious institutions (the church), directly contributes to discrimination and provides fertile ground for hate crimes against homosexual people. The interference and influence of the church also affects women's rights, depriving them of the opportunity to effectively defend their rights in the absence of a specific law against domestic violence.

**Problematic**

1. Homophobia, or homophobic behaviour[[1]](#footnote-0) has been prevalent in Belarus at a state level for a relatively long time. Since 2010, public homophobic statements by President Alexander Lukashenko[[2]](#footnote-1) can be traced in the media.[[3]](#footnote-2)
2. The first homophobic attack recorded by the Belarusian media took place in 2014. In 2015, a victim, Mikhail Pischevsky, died due to his grave injuries. A fifth of his brain had to be removed as a result. The perpetrator, Dzmitry Lukashevich, was found guilty of malicious hooliganism and causing grievous bodily harm through negligence. He was sentenced to 2,8 years in prison and ordered to pay 213 million Belarusian rubles in compensation [about $12,000]. However, in early October 2015, Lukashevich was released under an amnesty.[[4]](#footnote-3) After Mikhail died in hospital, the sentence was increased by a year. The court never recognised the homophobic ground for the attack.[[5]](#footnote-4)
3. In August 2019, a similar crime happened again. An unidentified man attacked an LGBTQ person on Oktyabrskaya Street in Minsk, the capital of the Republic of Belarus. The victim was a Belarusian filmmaker and cameraman Nikolai Kuprich, whom the perpetrator beat to a broken nose and bruises, which resulted in him being transported to a hospital. The court found the perpetrator guilty under the article "malignant hooliganism" and sentenced him to 1,5 years of restricted freedom without sending him to an open type institution.[[6]](#footnote-5)
4. Thus, in neither of the cases did the state recognise the attacks as hate crimes on the ground of homophobia.
5. The above can be attributed to the fact that the Belarusian state directly broadcasts the views and moral values of representatives of religious movements. For example, in 2018, the bishops of the Evangelical Associations of Churches in Belarus submitted an appeal to Lukashenko to ban LGBT propaganda in the state. They delivered a public joint appeal to the presidential administration. [[7]](#footnote-6)
6. In October 2018, Lukashenko suspended work on a draft law against domestic violence. In his speech, he insisted that Belarus must adhere to traditional family values in its laws, and he argued that physical abuse of children is the norm for Belarus.[[8]](#footnote-7)
7. In March 2020 Vladislav Volohhovich, director of the ‘Open Hearts’ charitable foundation [a pro-life organization that opposes abortion], Archbishop Tadeusz Kondrusiewicz [Catholic Church], Archpriest Andrey Lemeshonok [Orthodox Church] collected 52,600 signatures under a collective appeal to Lukashenko to "initiate the adoption of a law banning the promotion and public display of homosexuality and other sexual deviations to minors". The purpose of collecting signatures was "to preserve traditional values". By traditional values they meant chastity before marriage, marital fidelity, having many children, and openness to the birth of each child. The initiators of the appeal also sought to introduce criminal liability for people who "promote" LGBT in Belarus. The propaganda, as understood by the authors of the appeal, includes the exhibition of a LGBT flag on the building of the British Embassy in Minsk, the festival of queer culture "Dotyk", the seminars on gender equality, and even “an appearance of an open gay at one of the exhibitions at a children's theatre".[[9]](#footnote-8)
8. Back then, the abovementioned appeal received a lot of public attention, but there was no legal change at the time.
9. After the presidential elections in 2020, when widespread and mass repressions against the politically active citizens began, the Belarusian state began to use homosexual orientation for its propaganda. For example, in the so-called "repentant videos"[[10]](#footnote-9)detainees are forced to talk about their sexual orientation after being tortured. Thus, detainee Vitaliy Rubich says on camera that “since 2016 he has been a supporter of non-traditional sexual orientations" and "periodically, twice or three times a year, I have sex with a guy". At the end he adds: "I understand that this is immoral, I undertake to correct it." Belarusian human rights defenders believe that law enforcers use the disclosure of homosexuality by detainees as an additional repressive tool to put pressure on other prisoners as well. [[11]](#footnote-10)
10. In 2021 Belarus was ranked 61st out of 150 countries in the list of most dangerous countries for LGBTQ+ people. [[12]](#footnote-11)
11. On 29 December 2022 the Chairperson of the Council of the Republic of Belarus, Natalia Kochanova, stated that Belarus needs a law banning LGBTQ+ propaganda.[[13]](#footnote-12)
12. Since 2021 almost all independent non-profit organisations of civil society in Belarus, including those working in the sphere of LGBTQ+, have been forcibly liquidated by the Belarusian state. LGBTQ+ persons in Belarus now have no instruments of protection from homophobia on the streets to homophobia from the state. There is no anti-discrimination legislation in Belarus, not a single Belarusian law mentions discrimination based on sexual orientation. Moreover, it has already been revealed that the draft of the legislation regulating domestic violence already enshrines the principle of "preserving traditional family values''.[[14]](#footnote-13)
13. All of the above demonstrates that the Republic of Belarus is in breach of international law by failing to comply with the terms of the international treaties to which it is a party as it cannot guarantee protection of homosexual persons from violence (see para. 2 and 3 with the description of cases), protection from torture and cruel, inhuman or degrading treatment of homosexual persons in detention (see para. 9), and, most importantly, protection from discrimination on the basis of sexual orientation and gender identity.
14. Belarus, as a party to the International Covenant on Civil and Political Rights, has an obligation to protect and guarantee the rights of all persons within its jurisdiction, including homosexual persons. These obligations must extend to refraining from state interference in the exercise of rights; preventing abuses by state authorities and officials, private corporations and individuals; monitoring, investigating and combating such abuses when they occur; and providing a legal remedy for victims.
15. All of these conditions are not met by the Republic of Belarus due to the following.
16. In the case of Mikhail Pischevski (see para. 2), the Belarusian court not only failed to take into account the principles of international law, but also directly ignored the rules of the national legislation providing for the punishment of incitement of hatred or discord, which would have characterised the criminal act as a "hate crime". In the case of Mikalai Kuprich (paragraph 3), there is a similar tendency of the court to ignore international standards and gravitate towards applying the norm of "hooliganism", thus encouraging the substitution of legal concepts and terminology, applying double standards and impeding access to justice in general.
17. As a result of a promotional ‘campaign’ on implying "traditional values" performed at a state level by the religious institutions in Belarus, discrimination against homosexual people has not only increased and intensified, but has also extended beyond the discourse on the prohibition of LGBT propaganda. The lobbying of "traditional values" has directly affected the rights of women to be free from violence, including domestic violence in all its forms, as the suspension of work on the draft against domestic violence has deprived Belarusian women of legal protection of their rights.
18. It should also be noted that LGBTQ beliefs, i.e. personal beliefs, including beliefs that homosexual people have the same rights as all other people, any faith or no faith at all, and the right to profess or not to profess any religion, also, in its turn, fall within the right to freedom of religion and belief.
19. Thus, the Republic of Belarus gravely and systematically violates its international obligations not only in relation to the failure of safeguarding realisation of positive rights by disproportionately interfering in the lives of homosexual people through excessive control, acts of violence and by preventing access to a fair trial, but also in relation to negative rights by ignoring and even encouraging discrimination against LGBTQ persons.

**Conclusion**

1. All of the above demonstrates that the problem of discrimination against homosexual people is closely intertwined with the overall human rights crisis in Belarus, the absence of the rule of law and the lack of access to fair justice.
2. The cases listed in this report are a consequence of the promotion of homophobic behaviour by Lukashenko (in the form of his public hate speech), the outsized role and influence that religious institutions, like the church, have in governing the country, and a state system and administration itself that is built not on respect and protection of human rights, but on the use of intimidation and punitive measures. All this creates an environment conducive to discrimination against homosexual persons, who are persecuted by the Belarusian society and deprived of the opportunity to fully practice and manifest their religion and faith, due to the condemnation of the LGBT movement by religious institutions.
3. Moreover, the incitement of discriminatory attitudes towards homosexual people by the Lukashenko, as well as by representatives of religious institutions (in particular, the Church), directly contributes to the development of violence against homosexual people in society and their negative perception in general, akin to giving the "green light" to societal aggression.
4. Thus, the right of homosexual people to freedom of religion or belief in the Republic of Belarus is either implemented at the expense of their gender identity and sexual orientation, or is not possible to exercise at all, at least without a risk to bodily security. It is not protected at the state level in principle as a matter of a political decision.
1. Homophobic or homophobic behaviour - dangerous or unjust behaviour by a person based on fear or dislike of homosexual or queer people (people who do not conform to society's traditional ideas about gender or sexuality) <https://dictionary.cambridge.org/dictionary/english/homophobia> [↑](#footnote-ref-0)
2. The 2020 presidential election was rigged by the incumbent regime. Mass protests against falsified elections followed, which were brutally repressed, with the use of torture, violence and stun grenades. A number of European countries have not recognised Lukashenko as a legitimate president - <https://meduza.io/short/2020/09/23/kakie-strany-ne-priznali-lukashenko-legitimnym-prezidentom-belarusi-spisok> [↑](#footnote-ref-1)
3. German Foreign Minister Guido Westerwelle, who is openly gay, came to Minsk for talks and in February 2012 accused Lukashenko of dictatorship. At a state sporting event the same year, Lukashenka said of Westerwelle: "As for the other one - either the pink one or the gay one - who was there shouting about dictatorship, when I heard it, I thought: better to be a dictator than a gay one, of course. - <https://zaborona.com/ru/kak-belaruskie-vlasti-ispolzuyut-gomofobiyu-dlya-repressij/> [↑](#footnote-ref-2)
4. According to one of the witnesses at the trial, the attacker said: "The faggots have gathered", and Pischevsky, who was coming out later, asked the company, which included Lukashevich: "Who are the faggots here?". As a result of the ensuing altercation, Lukashevich hit Pischevsky, who fell to the pavement. In court, Lukashevich said that he "felt threatened". Doctors diagnosed Pischevsky with a skull fracture and brain haemorrhage. Mikhail stayed in hospital for almost a year and a half - he did not move, rarely regained consciousness, and was fed through a catheter. Relatives spent up to 18 hours a day with him in hospital. - <https://www.currenttime.tv/a/27329305.html> [↑](#footnote-ref-3)
5. <https://kyky.org/pain/chtoby-bolshe-nikto-ne-umer-kak-misha-pischevskiy-kak-sotsseti-reagiruyut-na-izbienie-kompanii-lgbt> [↑](#footnote-ref-4)
6. "Are you a fag too?" - was the phrase with which the unidentified man began his communication. Kuprich says he replied, "All right, I'll be a fag - so what?" And got hit in the temple, after which he fell down. While he was unconscious, the man beat up two other guys from Nikolai's company. Kuprich later said that he was heterosexual, but in that situation he did not want to distance himself from his company on the grounds of "normality". – <https://reform.by/19-letnij-paren-poluchil-prigovor-za-napadenie-na-lgbt-kompaniju> [↑](#footnote-ref-5)
7. "The emergence of a law banning the promotion of homosexuality and other forms of non-traditional sexual behaviour will prevent the promotion and imposition of sexual depravity in society, especially among children and young people, and will protect the rights of parents to raise their children in a morally healthy environment," the appeal reads. - <https://euroradio.fm/ru/protestantskie-cerkvi-prosyat-lukashenko-zapretit-lgbt-propagandu> [↑](#footnote-ref-6)
8. "All this nonsense, taken, first of all, from the West. You don't have to worry, and let the people not worry - we will be guided exclusively by our own interests, our Belarusian, Slavonic traditions and our life experience", "We have to proceed from the situation we have. A good belt is sometimes good for a child too...", "It is our tradition, our life, and we will bring it up the way it should be... will be the way we need and benefit from, based on our traditions and experience". – <https://www.belta.by/president/view/lukashenko-zhestko-raskritikoval-zakonoproekt-o-protivodejstvii-domashnemu-nasiliju-320484-2018/> [↑](#footnote-ref-7)
9. The authors of the appeal argued that the adoption of such a law, amendments to the Criminal Code and a supranational national programme on the preservation of traditional values are essential for the future of our country, for the existence of Belarusians as a distinct and sovereign nation: <https://euroradio.fm/ru/52600-podpisey-za-zapret-lgbt-propagandy-zashchita-ili-razzhiganie> [↑](#footnote-ref-8)
10. ‘Repentant videos’ are shot by the police showing the arrested persons who are forced to confess to their crimes and to repent. This is often done with the use of physical violence and torture. The videos are then publicly disseminated and used as propaganda. [↑](#footnote-ref-9)
11. <https://zaborona.com/ru/kak-belaruskie-vlasti-ispolzuyut-gomofobiyu-dlya-repressij/> [↑](#footnote-ref-10)
12. <https://euroradio.fm/ru/v-reytinge-stran-opasnyh-dlya-lgbt-belarus-zanyala-61-e-mesto>

<https://rainbow-europe.org/country-ranking> [↑](#footnote-ref-11)
13. "When I was on an official visit to Moscow, on that very day, the State Duma passed a law banning LGBT propaganda. I guess we will have to pass it too. And it will be the right thing to do. We should not propagandise it. We have family values, traditions that we pass down from generation to generation: family traditions, Orthodoxy". – <https://www.belta.by/society/view/zakon-o-zaprete-propagandy-lgbt-mozhet-pojavitsja-v-belarusi-542513-2022/> [↑](#footnote-ref-12)
14. Law of the Republic of Belarus "On the fundamentals of the prevention of offences", as amended on 06/01/2022, No. 151-Z [↑](#footnote-ref-13)