



Discrimination against Women in Places of Detention in Belarus

Analytical Report
for 2020-2025

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Introduction

Women's right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, and freedom of expression, movement, participation, assembly and association.¹

Discriminatory conditions of detention for women in places of deprivation of liberty have long been a problem in Belarus. The first case in the practice of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) against Belarus concerned precisely the conditions of detention in a temporary detention facility (Inga Abramova v. Belarus, CEDAW/C/49/D/23/2009). The same case was the first in the CEDAW Committee's practice in which the Committee examined women's conditions of detention from the standpoint of their compliance with the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter, the Convention). Subsequently, in its concluding observations concerning Belarus, the CEDAW Committee repeatedly expressed concern about inhuman conditions of detention, the absence of independent and confidential complaint mechanisms, and other violations of the rights of women prisoners.²

Nevertheless, in order to facilitate a more accurate and comprehensive assessment of the situation in Belarus by international experts³, we consider it necessary to provide a more detailed and comprehensive account of the Belarusian context.

In order to improve the situation of women prisoners, we believe it is necessary to bring to the attention of the CEDAW Committee experts and the international community as a whole the conditions of detention that are plainly discriminatory against women and, furthermore, to assist our colleagues-human rights defenders in identifying violations of specific articles of the Convention and in preparing and substantiating communications to the CEDAW Committee and other international bodies.

Thousands of women are held in places of deprivation of liberty, where they face inadequate, unsafe and/or degrading conditions of detention every day. As of the end of 2025, 167 women were among those recognised by Belarusian human rights defenders as political prisoners. At the same time, female political prisoners constitute only a small proportion of all women deprived of their liberty: the conditions described in this report are systemic and affect all women in places of deprivation of liberty regardless of the nature of the charges, although politically motivated persecution often aggravates their situation.

For the preparation of this report, we interviewed women who had been deprived of liberty on various grounds and for various terms in 2020-2025. In particular, the respondents included women who had been held in temporary detention facilities (IVS) in Minsk, Brest, Mahilioŭ, Homiel and Rečyca, in the Centre for the Isolation of Offenders (TSIP) in Minsk, in pretrial detention centres (SIZO) in Minsk and the Minsk district, Brest, Žodzina and Homiel,

¹ General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, para. 15

² CEDAW/C/BLR/CO/7 (2011), paras. 25-26; CEDAW/C/BLR/CO/8 (2016), paras. 44-45; CEDAW/C/BLR/CO/9 (2025), paras. 53-54.

and in two correctional colonies (IK). For ease of presentation, the terms “places of detention” or “places of deprivation of liberty” will be used throughout this report.

Belarus has two separate correctional colonies exclusively for women: IK-4 in Homiel and IK-24 in the urban-type settlement of Zarečča. All other institutions where female prisoners are held are designed primarily for men. In almost all institutions, women deprived of liberty are supervised by male staff; in the KGB SIZO there are no female staff members at all. At the same time, staff members, both men and women, receive no training in a gender-sensitive approach to the needs of women prisoners. Thus, from the very moment of arrest, women find themselves in a vulnerable position, facing stereotypes, gender-based violence, and conditions that do not take gender-specific needs into account.

Quite often, when discussing women’s conditions of detention, one hears comments that men are held in the same conditions. However, equally poor conditions for women and men may have a much greater and worse impact on women than on men because of biological or socio-cultural differences, including the roles assigned in society to women and men, stereotypes, power imbalances, and so on. General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women defines both direct and indirect discrimination in paragraph 16. Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Indirect discrimination against women occurs when a law, policy, programme or practice appears to be neutral in so far as it relates to men and women, but has a discriminatory effect in practice on women because pre-existing inequalities are not addressed by the apparently neutral measure. Moreover, indirect discrimination can exacerbate existing inequalities owing to a failure to recognise structural and historical patterns of discrimination and unequal power relationships between women and men. In its practice, the CEDAW Committee also proceeds from the premise that formally neutral conditions of detention may have a discriminatory effect if they do not take the specific needs of women into account.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)³ establish the principle of non-discrimination in Rule 2. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)⁴ establish in Rule 1 the need to take account of the distinctive needs of women prisoners in order for the principle of non-discrimination. At the same time, “Providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory.” The Bangkok Rules draw attention to such situations as menstruation, pregnancy and breastfeeding, but they do not establish any closed list of specific needs of women prisoners.

In this regard, the authors of this report describe the conditions of detention faced by female prisoners, focusing in particular on those conditions that do not take into account the specific needs of women or that, in the authors’ view, have a more negative impact on women and are therefore discriminatory.

³ https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-R-ebook.pdf

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I. Lack of Separate Accommodation of Men and Women, Disrespectful Treatment and Sexualized Harassment

According to Rule 11 (a) of the Nelson Mandela Rules, “Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate.”

In Belarus, women convicted of criminal offences are held separately from convicted men. At the same time, the country has no pre-trial detention centres or temporary detention facilities intended exclusively for women. The TSIP in Minsk also holds both men and women.

Until 2024, SIZO-1 was located in Minsk on Valadarskaha Street. That SIZO had a building informally called the “women’s” one. Women were mainly held there, but, as one respondent reported, men were also held in that building. At the same time, the number of women remanded in custody was so large that some of them were held in the same building as men. It is therefore impossible to say that women were held in “entirely separate” premises. One might attempt to justify this by the fact that SIZO-1 was located in a historic building constructed in the nineteenth century, but in August 2024 SIZO-1 was moved to the Minsk district, to a new, recently built complex of buildings, which likewise does not provide for an entirely separate building only for women. Thus, the State did not take measures to build a new SIZO in accordance with international standards.

Rule 1 of the Nelson Mandela Rules establishes the right of every person in places of detention to be treated with respect “due to their inherent dignity and value as human beings.”

Many respondents, when describing their conditions of detention, noted disrespectful and dismissive treatment. Many staff members address prisoners using the informal singular form of “you”.⁵

Some respondents stated directly that they had been insulted with words such as “animals”, “prostitutes”, “sheep”, and the like. According to respondents, especially those held in the Minsk TSIP, staff used sexist expressions such as “tiotki” (literally “aunts”) and babki (literally “grandmothers”).⁶ One respondent said that during daily checks TSIP staff discussed the appearance of detained women in their presence: while the female prisoners stood facing the wall with their hands raised, men discussed whom they would “choose” if the women were involved in prostitution. In the Republic of Belarus, engaging in prostitution constitutes an administrative offence for which administrative sanctions are imposed on the person engaged in prostitution. However, this did not prevent law-enforcement representatives from discussing it as a normalized situation. Such sexist discussions are unacceptable in the presence of any women, and especially in the presence of women prisoners because of the danger they perceive.

Women often face statements demonstrating stereotypical views of women's role in society. In particular, staff of various detention facilities told women prisoners that it would have been better if they had "stayed at home" (that is, had not participated in any actions or expressed their opinions) and that they "could have got married and had children". Many staff members effectively placed responsibility on women for the measures taken against them, presenting deprivation of liberty and degrading conditions of detention as the natural consequence of their "improper" behaviour ("if you had stayed at home, everything would be fine now"; "you broke the law, so you have no rights here"). Women with children faced impermissible characterizations of themselves as bad mothers ("what have you achieved? Your children are now without you"). Respondents heard such statements from both men and women. In the Minsk TSIP, one respondent was forced to remove nipple piercings; a female staff member accompanied the demand with comments such as "and how were you planning to breastfeed a child?", although the arrested woman had no child and had expressed no wish to give birth.

Almost all respondents described various situations in which male staff could watch women prisoners when they were naked or half-dressed or during intimate processes.

National legislation provides for full body searches of prisoners, including women,⁷ during which people must completely undress. The list of situations in which prisoners may be subjected to a full body search is not exhaustive. Such a search may be carried out upon a person's admission to the relevant facility, before and after escorting from this facility, and in other cases by decision of the facility's management. In correctional colonies, a personal search, including a full body search, may be carried out "at the discretion of officials of the facility, servicemen who guard and supervise convicts, based on the situation, expediency and in accordance with criminal-executive legislation."⁸ Thus, the decision to conduct a full body search depends not on objective necessity or a specific situation, but on the will of the administration or particular staff members, which creates conditions for arbitrary use of the measure. For example, one respondent stated that, over a period of approximately three months, all the women in her cell at the Brest SIZO were taken once a week to a separate building, where they were forced to undress and squat.

National legislation provides that during a full body search, searched persons are instructed to undress completely and expose the relevant parts of the body. At the same time, all the women interviewed said they were forced not only to undress completely but also to squat several times.

Belarusian legislation also provides that a personal search must be conducted by staff members of the same sex as the searched persons and that methods degrading human dignity must not be used during the search.

⁷ Internal Rules of Temporary Detention Facilities of Territorial Internal Affairs Bodies, approved by Resolution No. 315 of the Ministry of Internal Affairs of the Republic of Belarus of 30 November 2016, paras. 24-29;
Internal Rules of Pre-Trial Detention Centres of the Criminal-Executive System of the Ministry of Internal Affairs, approved by Resolution No. 3 of the Ministry of Internal Affairs of 13 January 2004, paras. 34-38;
Internal Rules of Pre-Trial Detention Centres of State Security Bodies, approved by Resolution No. 37 of the State Security Committee of the Republic of Belarus of 10 August 2012, paras. 36-40.

⁸ Internal Rules of Correctional Institutions, approved by Resolution No. 174 of the Ministry of Internal Affairs of the Republic of Belarus of 20 October 2000, para. 236

The Bangkok Rules establish requirements for personal searches of women. First of all, personal searches must be carried out only by female staff who have received proper training, and during the search respect and protection of women's dignity must be ensured (Rule 19). Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches in order to avoid the harmful psychological and possible physical impact of invasive body searches (Rule 20).

In practice female prisoners in Belarus face disrespectful treatment, harassment and discrimination during full body searches.

One interviewed woman described how a full body search took place in the old building of SIZO-1 in Minsk before escorting to a court hearing. Female prisoners were brought into a special room where they all undressed together, placed their belongings on a moving belt similar to a baggage belt at an airport, then passed naked through a metal detector and squatted three times. Thus, despite the existence of scanning devices, women were forced to undress, which did not comply with Rule 20 of the Bangkok Rules and had an additional traumatic effect.

Almost all respondents faced unsafe and insulting conditions during full body searches. Many respondents said that searches during menstruation were particularly traumatic. They were forced to remove and throw away sanitary pads during searches, which was especially humiliating in conditions of constant shortage of hygiene products. One respondent reported that her pad was palpated during such a search. One respondent said that a full body search of her was conducted by a male doctor. When she reported that she was menstruating, he forced her to remove a tampon in his presence.

In violation of Rule 19 of the Bangkok Rules, full body searches of women prisoners are often conducted in the presence of male staff or in conditions where male staff can see naked female prisoners.

One respondent said that upon admission to an IVS she was forced to undress in the presence of a female staff member and a male doctor. The Internal Rules of Temporary Detention Facilities do not provide for the presence of a staff member of the opposite sex during a full body search, even if that person is a medical staff member. The respondent was not told why the male staff member was present during the full body search. She had not asked anyone to call a medical personnel, there was no need for his presence, and, as the respondent explained, in her personal perception he "looked not like a doctor, but like a man". The Internal Rules of pre-trial detention centres provide for the possible participation of male medical personnel in full body searches of women, but only "in necessary cases". At the same time, one respondent said that every time before she was taken to a court hearing and returned afterwards to the SIZO cell, a male doctor conducted a full body search of her, although there was no objective need for his presence. Only after numerous complaints from prisoners did a female officer begin conducting the searches.

Many women said that full body searches were conducted by female staff members, but the door to the search room remained open. Women had to undress and squat while understanding that male staff members could look into the room at any moment. The overwhelming majority of respondents saw video cameras installed in search rooms, through which male staff could observe what was happening. One respondent reported seeing working body cameras on the female staff members who conducted the full body search.

Some interviewed women also reported that upon arrest, pat-down searches were conducted by male staff. Respondents brought to the Minsk IVS and Rečyca IVS reported such impermissible touching by men.

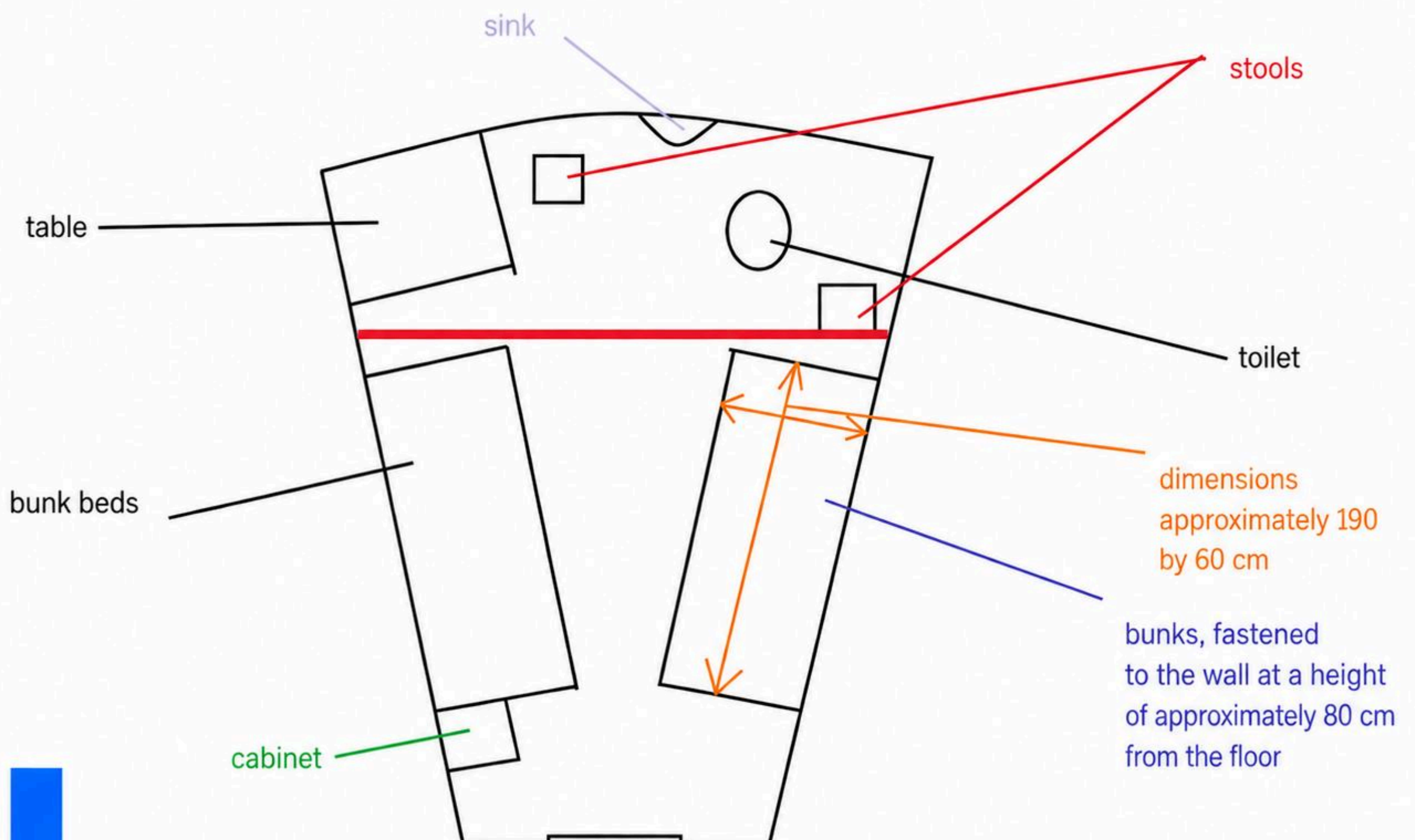
Some women faced impermissible sexualized remarks and touching even before placement in places of detention. One respondent said that during her arrest male police officers forced her to undress so that all tattoos on her body could be described in a protocol. In addition, they copied semi-nude photographs from her phone and later posted them on one of the pro-government Telegram channels.

Another very widespread problem in places where women prisoners are held is the constant threat that male staff will observe women, including during intimate moments such as washing or using the toilet.

Almost all interviewed women reported an absence of privacy when using the toilet. In many places of detention, including the IVS and TSIP in Minsk and the IVS in Mahilioŭ, Rečyca and Brest, the toilet area is not partitioned off at all and can be seen by male staff through the peephole in the door and when the cell door is opened. Only in the old building of SIZO-1 in Minsk was the toilet area separated by a partition and a curtain was permitted in front of the toilet, so that it could not be observed through the peephole in the cell door. In the new SIZO-1 building in the Minsk district, the lavatory with a toilet is separated by a partition on one side and even has a door, but each cell has two video cameras through which the entire room, including the toilet, is visible.

A drawing from one of the respondents

KGB SIZO cell No. 8 scheme



In the Žodzina SIZO, all cells had video surveillance. Toilets in cells were Genoa bowls (squat toilets, simply a hole in the floor) with waist-high metal partitions and no door. Women tried to hang a curtain, but SIZO staff demanded that the view not be obstructed. The newly renovated cells in the Homiel SIZO also contained Genoa bowls. Surveillance cameras were installed above the toilet area, leaving the toilet within the cameras' field of view. In old cells there were ordinary toilets behind a partition but without a door, and women did not know whether the toilet area was visible on the camera; the sink and a woman trying to wash herself at least partially over it were certainly visible. According to a woman held in the Baranavičy IVS, the surveillance camera in her cell was directly above the toilet. The toilet area is also visible through a surveillance camera in the Rečytsa IVS and Brest IVS. Several respondents held in different cells of the KGB SIZO said that the toilet in women's cells is not partitioned off at all and is positioned so that any staff member looking through the peephole can see a woman sitting on the toilet. One respondent said that she and her cellmates tried to shield those using the toilet, but in such cases SIZO staff immediately said that this was not allowed. At the same time, all staff in the KGB SIZO are men.

All respondents who served administrative arrests reported that they were not taken to a shower. Women detained in administrative and criminal cases also said that in temporary detention facilities they were not taken to a shower. In other places of detention, women could use a shower once a week, but this was clearly insufficient for maintaining cleanliness; therefore, all interviewed women reported that they tried to wash themselves using the sinks in their cells and improvised means, such as bottles. At the same time, the sinks where women could partially wash themselves were often located beneath surveillance cameras or positioned so that the area around the sinks was visible through the cell door peephole.

In all pre-trial detention centres, women were also escorted to a shower by male staff. The door to the changing room is equipped with a peephole. In such circumstances, male staff could at any moment observe undressed women. Moreover, not only staff but also other persons could look through the peephole. For example, one respondent said that several men who had already been sentenced to deprivation of liberty by a court but had been left in the SIZO under article 67 of the Criminal-Executive Code of the Republic of Belarus (hereinafter, the CEC)⁹ to perform maintenance work were working in the Minsk SIZO where she was held. According to the respondent, not only male staff themselves but also convicted workers passing by could look through the peephole into the changing room. In her case this is exactly what happened: a convicted man looked through the peephole while the respondent was changing clothes, and SIZO staff did nothing to stop his actions.

Some women reported sexualized remarks addressed to them, inappropriate jokes or threats. For example, one woman said that she became convinced that video surveillance was being conducted in the cell after a Minsk IVS staff member made an obscene "compliment" about her breasts. Another woman was reproached by a Minsk IVS staff member for "excessively displaying" her breasts to the surveillance camera. Another respondent said that in the Žodzina SIZO staff discussed in front of female detainees which detainees they would rape.

All the conditions listed above are degrading and unsafe for women. In its practice, the CEDAW Committee has already noted that observation by male guards through door peepholes of women prisoners during personal activities such as using the toilet violates their right to privacy. The CEDAW Committee stated that abusive treatment of women prisoners by

⁹ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

penitentiary officials, namely male prison staff, including unjustified interference with their privacy, constitutes discrimination within the meaning of article 1 and article 5 (a) of the Convention as explained in general recommendation No. 35. The CEDAW Committee has also concluded that unwelcome conduct of a sexual nature of the male guards amounts to sexual harassment. Harm caused by insulting and degrading treatment, sexualized harassment and negative health consequences constitutes violations of articles 2 and 5 (a) of the Convention.¹⁰

II. Unsanitary Conditions, Lack of Medical Care and Violation of the Right to Health

While biological differences between women and men may lead to differences in health status, there are societal factors that are determinative of the health status of women and men and can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups.¹¹ The list of vulnerable groups given by the CEDAW Committee in General recommendation No. 24 is not closed. Taking deprivation of liberty into account, it can be argued that women prisoners are a vulnerable group and in this regard the State is obliged to take special measures to protect their rights.

The overwhelming majority of interviewed women reported degrading conditions of detention and the absence of basic hygiene, which in turn affected their mental and physical health, including reproductive health.

Among the inadequate conditions described by women, the most frequent are set out below.

a. Overcrowding of cells and lack of sleeping places

Rule 21 of the Nelson Mandela Rules obliges States to provide every person with “a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.” This rule is almost always violated in facilities holding detainees and persons serving administrative arrest. Nearly all women serving administrative detention reported that the cells were overcrowded, leaving them without individual sleeping places. For example, one respondent said that when she was placed in a two-person cell in the Minsk IVS, there were already about eight people there. During the night, new detainees were repeatedly brought into the cell, and by morning it held 16 women. Because of cell overcrowding, many women had to sleep on the floor, under bunks, on the table, on benches, and so on. At best, two women had to share a single bunk or bed. Most often, women reported that they received no mattresses and had to sleep on bunks made of iron rods. Many preferred to sleep on the floor because the rods of such bunks were

¹⁰ CEDAW/C/49/D/23/2009, para. 7.7; CEDAW/C/77/D/133/2018, para. 7.7; CEDAW/C/87/D/157/2020, para. 7.7.

¹¹ General recommendation No. 24 of the Committee on the Elimination of Discrimination against Women: Article 12 of the Convention (women and health), para. 6.

very cold and left painful bruises on the body. One respondent said that there were mattresses in her cell, but far fewer than the number of women. The women were not provided with pillows or blankets, and the bed sheets were evidently unwashed after being used by previous detainees.

In pre-trial detention centres, women receive individual sleeping places. However, some respondents reported that they were held in a cold concrete room and that mattresses and bed linen did not provide the necessary thermal insulation, so the women had to sleep in clothes and shoes. One woman reported that there was not enough sleeping space for her in a KGB SIZO cell, so staff placed wooden boards on the concrete floor and covered them with a mattress. Because the boards lay on the concrete floor and the mattress was thin, the woman was very cold and had to sleep in her clothes.

b. Lack of hygiene products

According to Rule 18 (1) of the Nelson Mandela Rules, prisoners “shall be provided with water and with such toilet articles as are necessary for health and cleanliness” in order to keep their persons clean. Rule 5 of the Bangkok Rules provides that the accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

These Rules are violated almost everywhere in places of detention and places where administrative arrests are served, especially as regards women detained or administratively arrested on political grounds.

For example, in places where administrative arrests are served, women arrested on political grounds were most often not provided with toothpaste or toothbrushes. This depended on the place and year in which the administrative arrest was served. For example, in the Minsk TSIP in 2020, hygiene products, including toothbrushes and toothpaste, were issued for a time, but these products were not provided by the State; they were supplied by volunteers. Later, conditions in the Minsk TSIP deteriorated significantly, parcels from volunteers and relatives were not accepted by TSIP staff, and women had to use toothbrushes left behind by previously arrested women. In some places, toothpaste and toothbrushes were nevertheless issued, for example in the Mahilioŭ IVS.

Most of the interviewed women said that they received toilet paper and soap only after long and humiliating requests. Many women said that toilet paper was insufficient and that they had to economize and use it only after defecation; after urination, women washed themselves using improvised means. In the Minsk IVS, one remnant of soap was given once a week for the entire cell, which could contain 15 people. In the Rečyca IVS, the respondent was given neither toilet paper nor soap.

The overwhelming majority of women described limited access to hygiene products during menstruation. Thus, in the Minsk IVS, one or two pads per day were issued to each woman, and cotton wool could be issued instead of pads. One respondent said that she informed staff that she was menstruating and asked to be provided with pads, but they were never issued to her. According to one respondent, in the Homiel IVS no pads were issued at all during her stay, and women had to use improvised materials, such as clothing or rags, during menstruation.

Even when pads were issued to women, this was often not done as needed but in accordance with Belarusian legislation: 6 pads for three-day period,^[1] which was clearly insufficient,¹² which was clearly insufficient

In some cases, access to hygiene products was used as a kind of “punishment” for imputed political views. In the Žodzina SIZO, in one high-profile criminal case, women specifically were refused toilet paper, soap, toothbrushes, toothpaste and pads, while men were given toilet paper. All persons remanded in custody in connection with this case were deprived of parcels and the opportunity to buy anything in the SIZO shop for 30 days. For 30 days, women remained in the clothes and underwear in which they had been detained, and after that period they were allowed to make purchases in the SIZO shop but could not buy clean underwear because the SIZO shop in Žodzina did not sell women’s underwear at all.

In colonies, access to hygiene products exists but is insufficient. For example, women are provided with 10 sanitary pads per month.¹³ In IK-4, women could, upon request, receive personal hygiene items such as soap, sanitary pads and similar items once a month. All women, regardless of whether they personally needed these products, submitted such requests in order to receive them and then donate them to the “unit’s needs”, that is, to women who did not receive parcels from their relatives and were in particular need of these products. In IK-24, women were also provided with soap, sanitary pads and toilet paper on a monthly basis, but they were prohibited from sharing these products with other prisoners under threat of liability. As a result, women who did not receive parcels from their families often stole other women’s towels, T-shirts and socks to use during menstruation, because the pads were of low quality and 10 pieces per month are usually not enough for a woman.

c. Inability to maintain personal hygiene

Rule 16 of the Nelson Mandela Rules provides that “adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.”

All respondents indicated that conditions for maintaining hygiene in places of detention were insufficient.

All interviewed women who served administrative arrests reported that they were not taken to a shower at all, although national legislation provides that administratively arrested persons may shower at least once a week.¹⁴ Women had to fill bottles with tap water, most often cold water, and wash at least partially over the sink in the cell.

¹² Annex 4 to the Internal Rules of Places for Serving Administrative Arrest, approved by Resolution No. 313 of the Ministry of Internal Affairs of the Republic of Belarus of 20 October 2015; Annex 6 to the Internal Rules of Temporary Detention Facilities of Territorial Internal Affairs Bodies.

¹³ Annex 6 to Resolution No. 169 of the Council of Ministers of the Republic of Belarus of 25 March 2021, On Establishing Food Standards and Standards for Providing Personal Hygiene Products to Certain Categories of Citizens.

¹⁴ Internal Rules of Places for Serving Administrative Arrest, approved by Resolution No. 313 of the Ministry of Internal Affairs of the Republic of Belarus of 20 October 2015.

In Belarusian pre-trial detention centres, it is also difficult for women to maintain hygiene. The Internal Rules of pre-trial detention centres provide that persons held in custody shall be given the opportunity to wash in the shower for at least 15 minutes.¹⁵ However, what the law treats as a minimum standard is in reality the maximum available opportunity: in all SIZOs, women are taken to a shower at most once a week on the so-called “bathing day”. If a woman misses “bathing day” for any reason, for example because of investigative actions or a meeting with a lawyer, she has to wait until the following week, since she is not given the opportunity to shower on another day. One interviewed woman reported that she was deprived of a shower for an entire month because “bathing days” always coincided with court hearing days.

Sanitary installation in the colony.
Drawing by Palina Sharenda-Panasiuk



¹⁵ Internal Rules of Pre-Trial Detention Centres of the Criminal-Executive System of the Ministry of Internal Affairs, approved by Resolution No. 3 of the Ministry of Internal Affairs of the Republic of Belarus of 13 January 2004.

The 15 minutes provided by law for showering in fact include undressing, washing and dressing. As a result, even less time remains for washing itself, and that time often has to be spent improving conditions in the shower rooms. For example, in the Homiel SIZO there were many shower heads in the shower room, so each woman could wash under a separate shower head. However, the water only ran when the button was pressed continuously, which meant that the women had to hold the button with one hand while trying to wash themselves with the other. Prisoners had to fix the button in the pressed position using improvised means, including personal underwear, in order to ensure a continuous flow of water. One respondent reported that in the Homiel SIZO there were fewer shower heads than women washing, and as a result women had to wash in pairs under a single shower head.

Interviewed women said that in the Homiel SIZO and in the old building of SIZO-1 in Minsk on Valadarskaha Street, there was only cold water in the cells, which made it practically impossible to maintain hygiene on days other than “bath day”. The State in principle takes no measures to improve prisoners’ hygiene in any way. For example, in the new buildings of SIZO-1 in the Minsk district, it would have been possible to provide prisoners with the opportunity to shower as needed, for example by installing shower stalls in cells, but this was not done.

In IK-4, sanitary facilities vary depending on the unit. The only common rule is a visit to the common bathroom once a week. Some units have shower cabins, but using them is prohibited even in situations of obvious necessity, for example during menstruation or after a working day on a hot and stuffy day accompanied by heavy sweating and physical discomfort. For a unit of at least 80 women, there are often no more than six sinks, sometimes one or two showers (but not in all units), one or two bidets or hygienic showers, and a foot shower in which women try to wash themselves completely. This number of sanitary facilities clearly does not correspond to the number of women held in one unit. In some units, washing one’s hair twice a week is unofficially allowed, but this has to be done over a sink.

Some respondents said that homeless women were placed in their cells. Before placing those women in cells, staff took no measures to ensure basic hygiene, including sanitary treatment, checking for lice or providing clean clothes. For example, one respondent said that a homeless woman was placed in her cell in the Žodzina SIZO without first being taken to a shower, and her cellmates had to wash her themselves using improvised means. SIZO staff did not check the woman for pediculosis, and the other prisoners learned that she had lice only because they examined her head themselves. SIZO staff knew about the situation but did not provide any treatment for lice. The woman’s cellmates had to ask their relatives in letters to send the necessary lice treatment products. Only after receiving these products in personal parcels were the prisoners able to treat their cellmate for pediculosis.

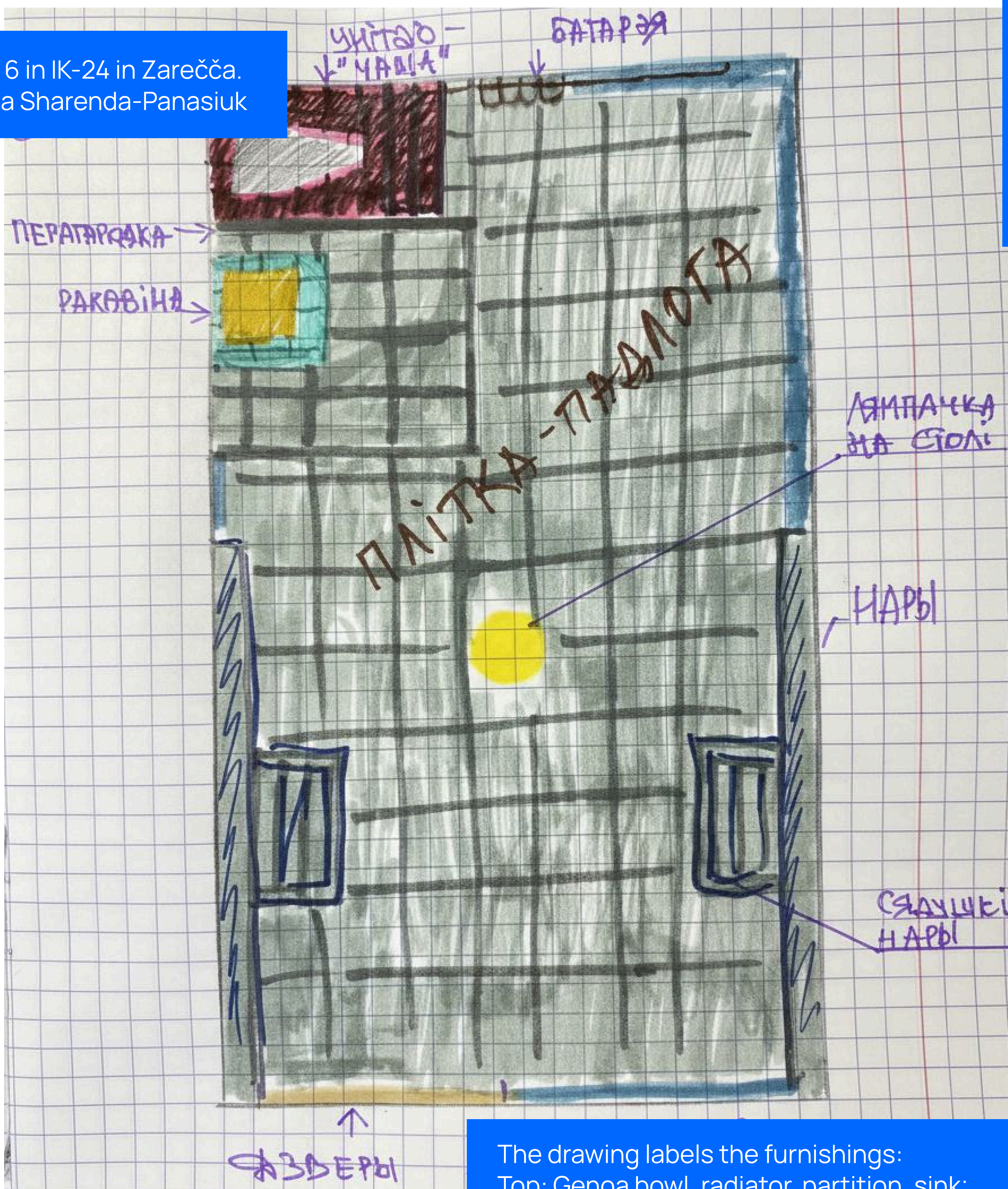
d. Inadequate conditions for using toilets

Rule 15 of the Nelson Mandela Rules requires that sanitary installations be “adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.” Almost all interviewed women indicated that using the toilet caused them additional suffering and distress. One respondent held in the KGB SIZO said that in her cell there was an ordinary bucket instead of a toilet. Another respondent mentioned that she and other administratively arrested women were held for a long time in an exercise yard before being assigned to cells; staff did not respond to requests to be taken to the toilet, and the women had to use a bucket. The bucket was not screened in any way, so the administratively arrested women had to use it under surveillance cameras and in the presence of other women.

As stated above, women often have no opportunity to hide themselves from observation by male staff when using toilets.

In correctional colonies, the number of toilets is often insufficient for the number of women in a unit. For example, IK-4 toilet facilities vary by unit: in some places there are toilet cubicles with flush toilets, in others with Genoa bowls, but in any case a unit of 70 to 100 people often has no more than 4 toilets, and not all of them may have a functioning flush. In the Žodzina SIZO, the toilet had no flush; a bucket had to be used to collect water and flush after using a toilet.

Cell No. 6 in IK-24 in Zarečča.
By Palina Sharenda-Panasiuk



The drawing labels the furnishings:
Top: Genoa bowl, radiator, partition, sink;
Center: tiled floor, light bulb on the ceiling;
Below: bunk, bunk seats, door.

e. Violation of temperature conditions

Rule 13 of the Nelson Mandela Rules states that “accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”

Many interviewed women reported that the temperature in their cells was not adequately maintained. Many women said their cells were very cold. One interviewed woman reported that the window in her cell remained open at all times, despite the winter weather. The window was behind bars, and prisoners could not close it themselves. Women asked staff to close the window, but their request was refused. One respondent said that in the KGB SIZO that the window in her cell did not close properly, making the cell very cold. The window was repaired only after 2 weeks of persistent complaints and demands by the women.

f. Violation of the right to medical care

The above-mentioned detention conditions significantly undermine women's right to health, including reproductive health, while the majority of women reported that they were unable to obtain proper medical care.

Temporary detention facilities and the Minsk TSIP may have medical personnel on staff. However, they do not have specialist doctors, and as a result, women have little, if any, access to specialist medical care when needed. At the same time, depending on the charges against them, women may be held in IVS for 10 to 20 days. Women subject to administrative arrest may be detained for up to 30 days. Some women were repeatedly sentenced to consecutive terms of administrative arrest, resulting in their deprivation of liberty for more than a month.

Throughout this period women were held in inadequate conditions and without any medical care.

Overcrowded cells in IVS facilities and the TSIP lead to the spread of disease. For example, one respondent said that almost all women in her TSIP cell apparently had COVID-19. No one received an exact diagnosis because TSIP medical staff did not examine those who were ill. The respondent asked TSIP staff to measure her temperature, but no one from the medical staff came.

Cold weather, opened windows in the autumn-winter period, and sleeping on the floor or on iron bunks without a mattress aggravate diseases of the genitourinary system among prisoners.

Women are often refused even urgent medical care. For example, one respondent described a cellmate who suffered a hypertensive crisis. The arrested women begged IVS staff for a long time to call an ambulance for the woman, but staff refused. Only after prolonged persuasion did the facility's administration call an ambulance, which wanted to take the woman to hospital, but the officers refused to hand her over. The ambulance crew was forced to give the woman an injection and leave. She was allowed to lie down for a while and then was returned to the cell.

Most detained or administratively arrested women experience reproductive health problems, but they cannot obtain the relevant medical care because gynecological care is unavailable. Many respondents said that their menstruation stopped, but they were not

provided with medical care in that regard. One interviewed woman said that she had been planning a pregnancy before her arrest, and when her menstruation was delayed she asked a medical staff member to provide her with a pregnancy test. The woman was told that staff did not have such tests and could not help her. Many detained and administratively arrested women reported, by contrast, that they began to experience very heavy menstruation lasting a long time, but they likewise received no medical care.

In pre-trial detention centres there is an opportunity to obtain specialized medical care, but it remains insufficient. For example, one respondent waited a month and a half before being taken to a dentist in the old building of SIZO-1 in Minsk. Medical staff may also delay providing assistance to prisoners. The same respondent said that when her cellmate had an epileptic seizure, all the women in that cell and even in neighboring cells began shouting and asking staff to call a doctor, but the doctor came only after 30 minutes. One interviewed woman suffered from migraine attacks, and when she had another attack in the SIZO, she was given the necessary medicines only after two hours, although staff saw her crying from pain and she told them that she had partly lost her vision. One interviewed woman reported that when she asked SIZO staff for gynecological care, she heard in response: “you’ll get it in the colony.”

One interviewed woman said that in the old building of SIZO-1 in Minsk she could at least receive medicines sent by her relatives, but in SIZO-3 in Homiel all her medicines were taken away and not issued to her, although she needed them.

In colonies, the opportunity to obtain medical care is also limited. In IK-4, there are only two gynecologists for the entire colony. Gynecological examinations are conducted in conditions that do not comply with medical ethics and do not ensure patients’ rights. For example, one respondent reported that, upon admission to the correctional colony, women underwent gynecological examinations one after another, and staff often began questioning the next woman before the previous woman had finished dressing and left the examination room. Another respondent reported that, during a gynecological examination, the doctor made inappropriate remarks to her, for example: “Your discharge is disgusting.” A smear was taken from the woman, but she was not later informed of the results. The examination itself was rough; afterwards the woman experienced a bloody discharge for some time. The examination was conducted in a room on the ground floor; the gynecological chair stood opposite a window that was not covered by curtains, and therefore examinations could be seen from the street.

One respondent characterized obtaining medical care in IK-4 as a “struggle”: it was practically impossible to obtain urgent medical care or release from work on health grounds. A woman could get a medical examination and be released from work (get sick leave) because of a fever, but she was not permitted to lie down during the daytime. Bed rest during illness could be granted for one or two hours a day; lying down at any other time was prohibited. According to one respondent, sick leave releases women from work but not from “duties”. Describing medical care in IK-24, one interviewed woman reported that medical personnel treated convicted women rudely and that “they saw every patient as a malingerer.” Only if a woman began to lose consciousness could she obtain medical release from work.

In correctional colonies, it is virtually impossible to obtain a referral for a medical and social assessment leading to a decision by the Medical Rehabilitation Expert Commission (MREC), which is required for the formal recognition of disability. One respondent said that she was in IK-4 for a year, and throughout that year a woman in her unit tried to obtain a referral for an assessment but did not receive it despite documented heart problems.

To see a doctor in the colonies, women must make an appointment in advance even if they need urgent medical care. For example, one respondent reported that she began experiencing severe menstrual pain and was taken to the medical unit. She asked for painkillers and was told that she had to undergo a gynecological examination for that. The nearest available appointment to the gynecologist was two weeks later, when such an examination would no longer make sense.

All the above circumstances violate women's freedom from inhuman or degrading treatment and their right to health, both physical and mental. Detention in inadequate sanitary conditions affects all prisoners, but the failure to take women's specific needs into account and the greater risk of genitourinary diseases when hygiene is not maintained or hypothermia occurs have a disproportionately worse impact specifically on women. The conditions of women's detention in various places of deprivation of liberty indicate multiple violations of the Convention, including articles 12 and 2 (b), (d), (e), (f) and 3, read in conjunction with article 1 of the Convention.

g. Punishment of women in places of detention

Women held in places of detention may be subjected to disciplinary sanctions for alleged disobedience to the administration's demands or violation of internal rules. Such sanctions are often imposed without basis or for formal or fabricated reasons. In a number of cases, "disobedience" in fact means expressing disagreement or refusing assessments imposed on a woman. For example, a prisoner's principled refusal, based on her disagreement with the conviction, to refer to herself as "a person prone to extremist activities" or as a "convicted person" results in disciplinary sanctions.

Sometimes a facility administration applies punishments that are not provided for by law at all and in fact constitute an abuse of power. One respondent said that she and all her cellmates declared a hunger strike in response to inhuman conditions of detention in the Minsk TSIP: 12 people in a two-person cell, forced sleeping on the floor, absence of necessary hygiene products, and use of second-hand toothbrushes. In response to the hunger strike, the administration forced all the women outside in November without outerwear and wearing only rubber slippers, and refused to allow them back into their cell until they agreed to end the hunger strike.

The same practice exists in IK-4 and IK-24, where disciplinary sanctions are frequently imposed on women, sometimes on fabricated grounds, with particular attention directed at political prisoners. According to the interviewed women, a sanction may be imposed for failing to greet a colony staff member promptly, for leaving a button unfastened, or for allegedly being late for watching "Vector" (propaganda videos from various State television channels).

One type of punishment is placement in a punishment cell (SHIZO). Those held in SHIZO are prohibited from having visits, telephone conversations, purchasing food and basic necessities, receiving parcels, packages, banderoles and small packets, sending and receiving letters, using board games and smoking. They are not issued bedding, and walks are not provided (article 114 (1) of the CEC).¹⁶ The maximum period of placement in SHIZO is 15 days. Belarusian legislation, however, does not prohibit repeated use of this sanction several times in a row. As a result, women may be held in SHIZO for a long time because they allegedly commit new "violations" for which they are punished by new placement in SHIZO.

¹⁶ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

The SHIZO cell in IK-4 is a small, damp room with a large amount of mould, only five steps long and three steps wide. The entire room is concrete, and therefore it is very cold in winter even with the heating on; the temperature rarely rises above 10 degrees Celsius. Only cold tap water is available, and women are taken to a shower once a week. Under article 114 (1) of the Belarusian CEC, bed linen, a blanket, a pillow and a mattress are not issued in SHIZO.¹⁷ The cell has bunks that are fastened to the wall during the day and unfastened at night. A colony staff member unfastens them in the evening and fastens them in the morning, and a female prisoner must hold them while they are lowered and raised; they weigh about 40 to 50 kg. Although the SHIZO beds are made of wood, they are lined with metal on the sides, which makes them very cold to sleep on. The SHIZO cell also has a small table for meals and a wooden box lined with metal for sitting. During the day, a woman may sit either on the concrete floor or on this box. However, she cannot sit for long because it becomes too cold. When placed in SHIZO, a woman may take with her only toilet paper, soap, a towel, a toothbrush and toothpaste. She may not take sanitary pads with her; she can only ask a colony staff member, female or male, to give her pads. When sent to SHIZO, a woman must also leave the uniform previously issued in the colony and put on the uniform issued for being in SHIZO. This clothing is very worn and thin, consisting of a jacket and skirt. The quality and design of the clothing do not allow a woman to keep warm in the cold SHIZO room.

Electric light is also on in the cell around the clock and is not switched off even at night. Conditions in SHIZO are such that women held there experience constant sleep deprivation. Women may fall asleep for a short time and then wake up either because of the cold or because of the light, walk around the cell to warm up, and try to fall asleep again.

The SHIZO premises in IK-24 are similar to those in IK-4. The SHIZO walls are concrete, and therefore the cells are always very cold. Warm water is provided only in the evening for 15 minutes. In one SHIZO cell, a leaking pipe causes water to run continuously down the wall, resulting in very high humidity and persistent mould on the walls. Very little natural daylight reaches the cells. One of the SHIZO cells does not even have a small window allowing daylight to enter, and there is nowhere to sit.

After repeated punishment by placement in SHIZO, a woman may be sent for long-term confinement, up to six months, in a cell-type premises (PKT). A PKT is a special facility used to hold prisoners serving sentences of deprivation of liberty who have been transferred there as a disciplinary sanction for persistent violations of the established rules governing the serving of their sentences.

In a PKT, convicts are held separately from one another and have no right to receive food or clothing parcels. Those held in a PKT are taken for walks for a shorter time than other convicts. They may receive fewer banderoles and may purchase food for only one base amount (about 13 euros) per month, if they have those funds in their account. Conditions there are slightly less harsh than in SHIZO (prisoners are provided with a mattress and blanket at night), but it is also very cold there, sometimes so cold that prisoners' breath turns to steam.

¹⁷ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

One of the degrading forms of punishment used in IK-4 is the placement of convicted women in a cage located at the entrance to the factory building. The cage is a space of 1 by 2 metres, with iron bars instead of walls. Women were placed there for up to 3 hours as a form of public humiliation, regardless of the season or weather conditions. One respondent reported seeing a woman confined in the cage after dark in November. The cage is effectively in public view: it is located so that other convicts going to work see the punished woman inside. As a result, this form of punishment not only causes physical discomfort but also degrades human dignity. In some cases, women who have already been sentenced to SHIZO as a disciplinary sanction are first placed in the cage. Such women are effectively punished twice: first they are placed in the cage and then in SHIZO. This degrading form of punishment is used only in this women's correctional colony. In IK-24, instead of a cage, the exercise yard for persons held in PKT was used. Women were placed there even in winter and without outerwear.

Discrimination within the meaning of the Convention includes violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.¹⁸ Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.¹⁹ Those rights include the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.²⁰

Being forced to remain in a cold cell, being deprived of adequate sleep, and lacking clothing appropriate for the temperature; being forced into a cage; and being kept outdoors for extended periods without appropriate clothing constitute inhuman treatment and, in some cases, may amount to torture. The statutory prohibition on providing bedding (including a mattress, blanket and pillow) to prisoners held in SHIZO demonstrates that the State has deliberately made the deprivation of adequate sleep an integral part of the punishment, which may also amount to inhuman treatment. This demonstrates Belarus's violation of its obligations under articles 2 (a), (b), (d), (e) and (f), 3 and 5 (a), read together with article 1 of the Convention.

¹⁸ General recommendation No. 19: Violence against women (1992), para. 6.

¹⁹ Ibid., para. 7.

²⁰ Ibid., para. 7.

III. Inadequate Conditions of Detention for Pregnant Women and Mothers

Some respondents were remanded in custody or served sentences together with pregnant women and/or women who had given birth. According to the information obtained, pregnant women serving sentences in IK-24 are transferred to IK-4 before giving birth. IK-4 has a mother and child unit where children up to the age of three may stay. IK-24 has no such unit, so women with children under three are transferred to IK-4.

According to Rule 28 of the Nelson Mandela Rules, “women’s prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate.” Rule 48 (1) of the Bangkok Rules provides that “Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.”

Article 12 (2) of the Convention on the Elimination of All Forms of Discrimination against Women obliges States to ensure women “appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.”

According to the interviews of former female prisoners, the rights of pregnant women are violated everywhere. For example, one respondent said that in IK-4 pregnant women and women who had recently given birth were required to stand during roll calls like all the other prisoners. The administration took no account of either the inability of women in the later stages of pregnancy to stand for prolonged periods or the health problems experienced by women who had recently given birth. One respondent described a situation when a pregnant woman was required to stand during roll call in the rain without an umbrella or raincoat. Women who had recently given birth could be exempted from heavy work only after undergoing a gynecological examination, but obtaining an appointment with a gynecologist was difficult. Legally, convicted pregnant women are involved in unpaid work with their consent (article 101 (2) of the CEC),²¹ but in practice they are forced to perform such work (so called “duties”) regardless of their wishes.

The interviewed respondents reported that in all cases known to them an ambulance was called for pregnant women during contractions and that women gave birth in civilian hospitals, which complies with the Nelson Mandela Rules. However, handcuffs were used on some women in labour when they were escorted to hospital. According to one respondent, a convoy brought a woman from her unit to hospital and handcuffed her to the delivery chair, and she gave birth while handcuffed.

²¹ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

Such a practice is inherently inhuman and violates not only international standards but also national legislation, which prohibits “the use of special means against women with visible signs of pregnancy, except in cases where they commit an armed or group attack or other actions threatening the life or health of citizens” (article 3 of the Law on Internal Affairs Bodies of the Republic of Belarus; article 77 (3) of the CEC).²²

In conditions of deprivation of liberty, the rights not only of pregnant women but also of mothers are violated. Belarusian legislation permits women to remain with their children in pre-trial detention centres and correctional colonies until the children reach the age of three.

However, according to respondents, in IK-4 women who have given birth are returned from a civilian hospital to the colony within 2 or 3 days after delivery, while the child remains in the hospital for approximately 3 or 4 weeks.

Rule 48 (2) of the Bangkok Rules obliges States not to discourage women prisoners from breastfeeding their children “unless there are specific health reasons to do so.” However, the practice whereby a child is brought to the correctional colony where the mother is held only approximately one month after birth does not allow women to maintain lactation and breastfeed their children without obstruction. Thereafter, many women attempt to express breast milk so that it can be given to their babies by colony staff. However, because of the harsh working conditions and their separation from their babies during the first weeks after childbirth, many women experience lactation difficulties.

After a child is brought to IK-4, the child is placed in the mother and child unit. Rule 29 (1) (a) of the Nelson Mandela Rules requires that “where children are allowed to remain in prison with a parent, provision shall be made for internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent.”

However, Belarusian legislation provides that convicted women may communicate with their children in the mother and child unit “without restrictions during their free time from work” (article 95 (1) of the CEC).²³ Thus, international standards prioritise maternal care, whereas Belarusian law, by contrast, gives priority to care provided by facility staff.

Article 95 (1) of the CEC provides that women may be permitted to live together with their children in mother and child units of correctional institutions.²⁴ However, as respondents explained, during the first year after childbirth, women are effectively unable to gain admission to the mother and child unit. If a disciplinary report is issued against a woman for any reason, she is immediately disqualified from obtaining permission to reside in the mother and child unit. As a result, according to former prisoners interviewed for this report, the colony administration can easily manipulate young mothers, as the threat of separation from their children makes them more vulnerable to pressure to cooperate with the administration.

²² <https://pravo.by/document/?guid=11031&p0=HK0000365>.

²³ *Ibid.*

²⁴ *Ibid.*

Thus, Belarusian legislation and its implementation in correctional colonies restrict women's rights to provide maternal care, to spend time with their children, and to make decisions regarding their children's feeding and upbringing. These restrictions are based not on the best interests of the child but on stereotypical assumptions that women who end up in places of detention are not "proper" women and, therefore, are bad mothers who are incapable of caring for their children, while the State knows better how those children should be cared for.

In its practice, the CEDAW Committee has noted that the lack of appropriate maternal health services in the State party that clearly fails to meet the specific, distinctive health needs and interests of women not only constitutes a violation of article 12, paragraph 2, of the Convention, but also discrimination against women under article 12, paragraph 1, and article 2 of the Convention.²⁵ The CEDAW Committee has also indicated that the following may be recognised as obstetric violence and therefore discrimination against women: medical interventions without the woman's consent, separation from the newborn making skin-to-skin contact impossible,²⁶ affronts to dignity, abuse and ill-treatment,²⁷ and other facts. The absence of proper medical care during pregnancy, childbirth and the postnatal period indicates violations by the State of articles 2 (b), ©, (d) and (f), 3, 5 and 12 of the Convention. Stereotypical and therefore discriminatory ideas that care for children should be institutionalized and transferred to a State facility instead of the imprisoned mother constitute violations of article 5 of the Convention.

IV. Clothing and Footwear for Convicted Women

Article 73 (3) of the CEC requires convicted women to wear standard-issue clothing provided by the correctional colony.²⁸ According to the legally approved list of clothing in the colony,²⁹ women prisoners in Belarus are required to wear, among other items, pink dresses (often with a floral pattern), dress suits, skirts, pink headscarves, scarves, shoes, tights and blouses.

Under the applicable standards, women are provided with knitted trousers, which are in fact thin leggings. No warm trousers are provided. Every day, announcements are made over the colony's loudspeaker system specifying which uniform women must wear that day. Four uniform combinations are prescribed: the first is a dress; the second is a dress with a jacket; the third is a suit (a skirt and a jacket); and the fourth is a padded jacket in addition to one of

²⁵ CEDAW/C/49/D/17/2008, para. 7.6.

²⁶ CEDAW/C/82/D/149/2019, para. 15.7.

²⁷ CEDAW/C/84/D/154/2020, para. 7.2.

²⁸ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

²⁹ Annex to Resolution No. 632 of the Council of Ministers of the Republic of Belarus of 28 April 2010, On Establishing Clothing Allowance Standards for Convicts Serving Sentences in Correctional Institutions and Arrest Houses.

the first three uniform combinations. The announcements also specify whether tights or leggings may be worn underneath the prescribed uniform. Women are not permitted to change the prescribed uniform on their own initiative; doing so constitutes a disciplinary offence that may result in placement in SHIZO. Thus, regardless of the work performed or the outdoor temperature, women are not allowed to wear trousers or the type of clothing that is more suitable or comfortable for them. The list of clothing issued does not include mittens or gloves, even though women are frequently assigned to clear snow. Women who have no money in their prison accounts and receive no parcels are therefore forced to perform outdoor work with their bare hands during the cold season.

Footwear for women in the colony consists of uninsulated kirza boots³⁰ in winter and court shoes for the warm season. All footwear is made of artificial leather, uncomfortable and stiff. Respondents mentioned that this footwear rubs their feet and causes calluses. The footwear provided by the colony as winter footwear is suitable for an average warm autumn. Even at temperatures just below freezing, it offers no protection from the cold. The insoles in the boots are thin and do not retain heat; women call them “paper insoles”. Many women stick sanitary pads to the insoles to make the boots warmer and softer. However, the sanitary pads do not help keep feet warm in freezing temperatures. Although prisoners are permitted to wear their own footwear in the colony, not all women have financial support or receive parcels from outside.

Photograph by Palina Sharenda-Panasiuk



³⁰ Boots made of kirza, a multilayer cotton-based material impregnated with latex and rosin.

The prescribed clothing and footwear also do not allow women to keep warm during roll calls, which take place every day and may last from 20 to 50 minutes. The uniforms not only fail to take account of the physiological characteristics of women's bodies but also increase the risk of colds and gynecological disorders as a result of prolonged exposure to cold.

The prescribed clothing, especially the jacket and pencil skirt, severely restricts movement. The unsuitability of the women's uniform in contrast to the men's uniform (cotton suit, shirt and underpants) is particularly acute when performing physical work such as clearing snow and cleaning the colony's internal areas. The provided uniform is also inconvenient for work in the sewing factory, which is the main type of employment for women prisoners; in summer, while working at a sewing machine, a woman has to pull up the bottom of her dress or skirt high in order to work comfortably, and her underwear is visible.

Women are provided with only one set of clothing in the colony. If it becomes soiled, the prisoners have no opportunity to change into clean clothes, while drying wet clothing on radiators is prohibited. As a result, women are often forced to put on still-damp clothing, including when standing outdoors in freezing temperatures during roll calls, since failure to wear the prescribed uniform may result in disciplinary sanctions.

The clothing prescribed for women in places of deprivation of liberty in Belarus reflects gender stereotypes based on traditional notions of "femininity." The mandatory wearing of skirts, dresses and headscarves, as well as the pink colour of the uniform with a floral pattern, has no practical justification because the clothing is inconvenient to wear and quickly becomes dirty. This practice is discriminatory and violates the State's obligations under articles 2 (e), (f), (g) and 5 of the Convention.

There is also a special uniform designed for women held in SHIZO in correctional colonies. The clothing is often heavily worn, with the fabric worn thin from prolonged use. In some cases, women are deliberately provided with uniforms one size too small so that they cannot wrap themselves up to keep warm in SHIZO. Sometimes women are permitted to wear only a camisole underneath their jacket, which provides no real protection from the cold in SHIZO cells. At night, women experience persistent sleep deprivation due to the cold in the cell, the lack of sufficiently warm clothing, and the requirement to sleep on wooden bunks lined with metal, without a mattress, blanket or bed linen. Although they may fall asleep for short periods, they wake up from the cold and try to warm themselves through physical exercise before managing to fall asleep again briefly.

The failure of the prescribed uniform to correspond to the temperature in SHIZO leads to the absence of normal sleep, which may amount to torture. The treatment to which women are subjected constitutes sex-based discrimination within the meaning of article 1 of the Convention and represents a violation by Belarus of its obligations under articles 2 (a), (b), (d), (e) and (f), 3 and 5 (a), read together with article 1 of the Convention.

V. Forced Labour and Inadequate Working Conditions

According to paragraph 83 of the Internal Rules of places where administrative arrest is served, arrested persons may be involved, by rotation, in cleaning cells (punishment cells) and other premises. As one respondent said, in the Minsk TSIP women cleaned their cells themselves, but sometimes they were offered the opportunity to clean empty cells and common areas. Women mostly agreed to clean common areas because afterwards they were taken to the exercise yard. In the absence of daily walks, this was the only opportunity to breathe fresh air (and to smoke for women who smoked). At the same time, cleaning, including outdoors, may also be used as punishment for improper behaviour, as happened to one respondent's cellmate.

Persons sentenced to deprivation of liberty may be required to perform unpaid work only for collective self-service, including cleaning and improving correctional institutions and adjacent territories (article 101 (1) of the CEC).³¹ In the colonies, such work is called "duties", and virtually all women are required to perform it, including those who, under the law, may be assigned such work only on a voluntary basis (pregnant women, pensioners, and women with Group I or Group II disabilities).. Even when women legally have the right to refuse work, in practice they cannot exercise that right. Convicts are involved in such work by rotation during their free time from work; the duration of work must not exceed 14 hours per week (article 101 (3) of the CEC).³² In reality, however, these rules are often violated.

This collective self-service work often does not correspond to women's health status and age. Convicts may peel potatoes, clean dormitories and corridors, clear snow outside with bare hands if they have no personal gloves, unload trucks with sand, and the like.

IK-4 has a sewing factory, and almost all convicts work there. Respondents who worked in the sewing workshop reported that, although the workrooms had windows, the ventilation functioned poorly and there was almost never any fresh air inside. Former convicts also reported poor lighting in the sewing workshop. Because of the poor arrangement of workplaces and the absence of proper ventilation, the workshop is cold in winter and hot in summer. A respondent who worked with irons in the workshop spoke of heat and high humidity, which also made work difficult. Another respondent said that she worked with fabrics impregnated with some chemical substances. She was not issued gloves or other protective equipment, and because of work with those fabrics she developed skin irritation, intense peeling and cracks on her hands.

In IK-24, women may work in sewing workshops, greenhouses and a bakery. An interviewed respondent described heat and steam in the ironing workshop. Some parts of the workshop area had sharp chemical smells, but women worked without any protection from them.

³¹ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

³² Ibid.

Income statement for 12 month, provided by one of the respondents

ВЫПУСКНОЕ
УНИТАРНОЕ
ПРЕДПРИЯТИЕ
№4
240030 г. Гомель,
ул. Октябрьская, 3

ПРОИЗВОДСТВЕННОЕ
УНИТАРНОЕ
ПРЕДПРИЯТИЕ
№4
24401 г. Гомель,
ул. Октябрьская, 3

№ _____
от _____

Штамп организации

Исходящий номер

Приложение 5
к постановлению
Министерства труда
и социальной защиты
Республики Беларусь
30.11.2006 № 149

СПРАВКА

о среднем заработке (доходе) за последние 12 месяцев работы
для представления в орган по труду, занятости и социальной защите
гор(рай)исполкома

гражданина(ки)
работавшего(ей)

Республиканское производственное унитарное предприятие "№ 4"

(наименование организации)

в качестве

Швея 3 разряда

(профессия рабочего, должность служащего)

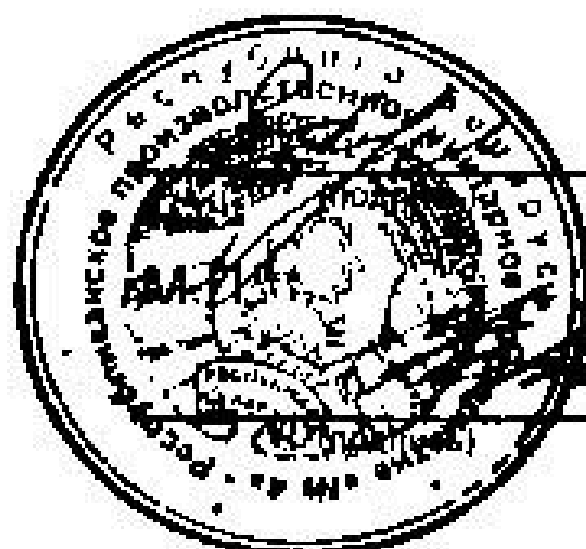
№ п/п	Месяц, год	Заработная плата	Примечание
1	2	3	4
1	Декабрь	54,20	
2	Январь	59,08	
3	Февраль	28,73	
4	Март	68,31	
5	Апрель	76,20	
6	Май	67,40	
7	Июнь	58,72	
8	Июль	48,88	
9	Август	63,45	
10	Сентябрь	105,22	
11	Октябрь	64,70	
12	Ноябрь	94,72	

ИТОГО 789,61 руб. (Семьсот восемьдесят девять рублей 61 копейка)

Средний заработок*, руб. 65,80

Количество оплачиваемых календарных недель _____ в течение 12 месяцев работы перед днем увольнения на условиях полного рабочего дня (недели) или условиях неполного рабочего дня (недели) с пересчетом на количество календарных недель с полным рабочим днем (неделей).

Генеральный директор



(фамилия, собственное имя, отчество
(если таковое имеется))

Главный бухгалтер

(фамилия, собственное имя, отчество
(если таковое имеется))

* Среднемесячный заработок исчисляется в соответствии с актами законодательства Республики Беларусь.

** За исключением субъектов хозяйствования, имеющих в соответствии с законодательными актами право не использовать печать.

The stated amount: from 28.73 to 105.22 roubles
per month (approximately 8.5 to 31 euros)

In addition to their regular work, convicted women are frequently assigned to so-called “raznaryadka” (additional unpaid work assignments). In theory, women perform such work voluntarily, at their own request, but in reality refusal of it may lead to liability. Women are often forced to work on “raznaryadka” because the main job has certain output quotas that are in fact difficult to meet during working hours. Because of this unpaid work, women often work without days off or more than eight hours a day. For example, one respondent said that her entire unit could be sent to a “raznaryadka” from 05:00 to 14:00 and then to a full working day on the second shift.

The work in colonies is paid at very low rates. Convicts’ wages are much lower than the minimum wage in Belarus, and the administration deducts from women the costs of their maintenance, issued clothing and the like. For example, one respondent described how, while meeting all required quotas, she received a monthly salary of about 28 euros. Another respondent, who worked at the sewing factory for several years and met all quotas, had a salary of about 90 euros. Some women do not meet quotas for various reasons: poor eyesight, inability to sew, or a principled refusal to sew uniforms that representatives of Belarusian law-enforcement agencies will later wear. As a result, their wages are even lower than those of other convicts; for example, one respondent mentioned a salary of 2 roubles (about 0.6 euros).

The practices described violate article 11 (1) (f) of the Convention because women are involved in labour in harmful conditions without compliance with occupational safety standards and working-time rules. There are also violations of articles 2 (e), (f), 5 and 12 of the Convention.

VI. Intersecting Forms of Discrimination

The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men.³³

Rule 2 (1) of the Nelson Mandela Rules prohibits “discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status.” The same provision establishes the obligation to “respect prisoners’ religious beliefs and moral precepts”.

The conditions in which women are held in Belarusian places of deprivation of liberty are themselves discriminatory; however, many women face additional forms of discrimination related to other grounds.

³³ Общая рекомендация № 28, касающаяся основных обязательств государств-участников по статье 2 Конвенции о ликвидации всех форм дискриминации в отношении женщин, CEDAW/C/GC/28, п.18

a. Imputed political views

Many interviewed women were deprived of liberty on politically motivated grounds. Almost all reported that staff treated them worse than other women prisoners. In violation of Rule 2 of the Nelson Mandela Rules, particular pressure is exerted on women whom the State perceives as opponents of the current regime. This is especially evident in places where administrative arrests are served or where persons arrested in criminal or administrative cases are held. For example, women who served administrative arrests in the TSIP in Minsk described the existence of “political” and “non-political” cells. Women held in “political” cells are deliberately subjected to even harsher conditions of detention than other women in “non-political” cells. Respondents who, during administrative arrest, were held in both “political” and “non-political” cells described a significant difference in conditions of detention and in staff treatment. For example, women held in “political” cells are woken twice a night every night, whereas no such measures are taken against women held in “non-political” cells. Cells are overcrowded in both cases. However, as one respondent noted, “It is one thing when eight women are held in a four-person “non-political” cell, and quite another when twenty women are held in a two-person “political cell.” In “political” cells, women are never issued mattresses, whereas in “non-political” cells mattresses are often available. Those held in “political” cells have to make much greater efforts to persuade staff to issue soap and toilet paper. In the cold season in the Minsk TSIP, warm clothing, including jackets, was taken away from women arrested on political grounds, while women arrested for other reasons had warm clothing with them. The TSIP administration deliberately placed homeless women, often with mental health particularities, in “political” cells without any sanitary treatment or check for pediculosis. In one respondent’s cell there were two such women at once; they categorically refused to wash themselves, and one of them did not even use the toilet but urinated on herself. From communication with staff it was obvious to the respondent that these women had been placed in her cell to worsen the conditions of those arrested on political grounds.

One respondent said that in the Mahilioŭ IVS she and her cellmate were constantly moved from one cell to another for the purpose of moral pressure. On one day the women were held in a cell with a functioning toilet and sink, on another they were moved to a cell with a non-functioning toilet and sink, on the third day they were returned to the first cell, on the fourth day they were sent back to the second cell, and so on.

Women detained in administrative cases and those serving administrative arrests mentioned that staff addressed them with the word “control”. In this way, staff directly indicated that the women were under special control by the facility administration. This only confirms that the deterioration of the situation of women deprived of liberty on political grounds is a deliberate policy of the administrations of places of detention.

Respondents deprived of liberty in politically motivated criminal cases noted that all of them had been registered as “prone to extremism” in a SIZO or colony. This imposed additional restrictions on them and increased attention from the administration. Respondents said that in IK-4 they had no access to cultural and leisure activities and were not allowed to visit the chapel or the gym.

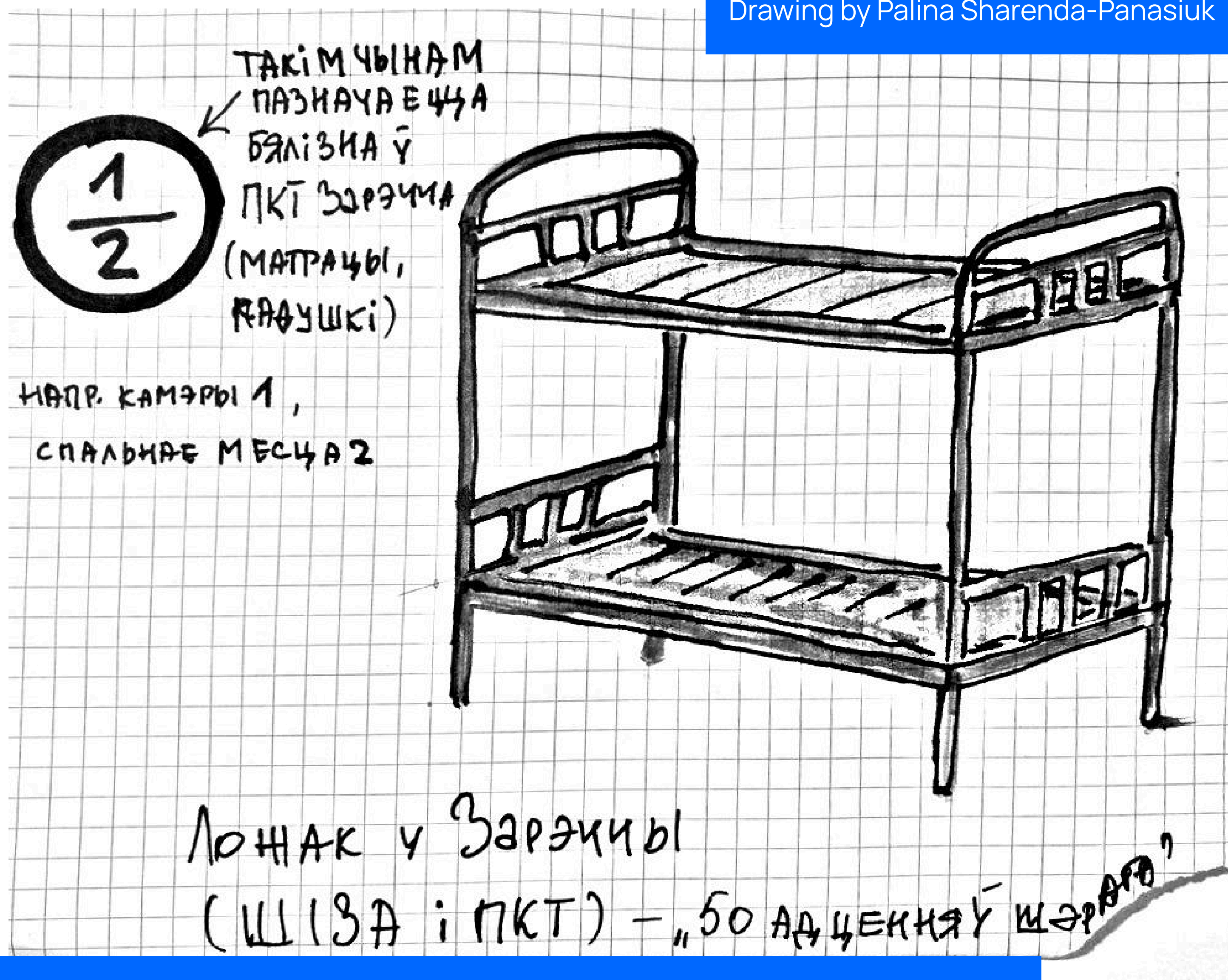
In pre-trial detention centres and correctional colonies, “political” prisoners must occupy the second tier of beds (upper bunks), regardless of age and health problems. One respondent said that her cellmate, convicted in a politically motivated case, had problems with her hip joint. The woman could not climb onto the upper bunk without assistance and had to ask her cellmates for help every evening. One night she had to get down to go to the toilet, but she could no longer climb onto the second tier because everyone was asleep and could not

help her. As a result, the woman had to spend the night sitting on the cell floor. Although lower bunks in the cell were unoccupied, the woman was not allowed to use them, and doing so could result in placement in SHIZO. Another respondent reported that in the Brest SIZO political prisoners were taken once a week for a full strip search, while other prisoners were not subjected to that search.

In IK-4, efforts to suppress perceived political opponents have resulted in a practice of pressuring prisoners, including by coercing them to alter tattoos regarded as “inappropriate” by the colony administration. A wide range of tattoos could be deemed “inappropriate”, from the numbers “23.34” (the number of the provision in the previous version of the Code of Administrative Offences that established liability for violations of the procedure for organising or participating in mass events and under which many people were prosecuted) to Celtic runes. The alteration of tattoos was carried out by one prisoner who had HIV and hepatitis, without proper disinfection and medical supervision and without professional conditions for such manipulations.

Thus, in places of detention women may be subjected to additional discrimination because of their actual or imputed political views.

Drawing by Palina Sharenda-Panasiuk



Captions on the drawing:

1/2 – this is how bedding in a PKT (mattresses, pillows) is marked. For example, cell #1, bed #2. Bed in IK-24, Zarečča (SHIZO and PKT) – “50 Shades of Gray”

b. Language, ethnic origin and race

Respondents stated that staff of places of detention often exert greater pressure on women whom they perceive as members of ethnic minorities. In particular, former prisoners of IK-4 described biased treatment of Roma women: women were prohibited from speaking their native language even among themselves, and if staff heard women having a private conversation in their native language, they immediately began demanding that the women speak Russian. One respondent said that during several years spent in the colony she never saw Roma women granted conditional early release, and according to the respondent it was obvious to everyone that such decisions were connected precisely with those women's ethnic origin.

One respondent described racist comments by one official in the colony addressed to a convicted woman with darker skin.

It should also be noted that women are subjected to pressure in connection with their use of the Belarusian language. Although Russian and Belarusian are both official languages of Belarus, the use of the Belarusian language has been significantly restricted as a result of the State's long-standing and systematic policy.

On 26 January 1990, Belarusian was proclaimed the sole State language in Belarus (then the Byelorussian Soviet Socialist Republic). After independence, Belarusian remained the only State language until 1995, when, at the initiative of A. Lukashenko and with numerous violations, a referendum was held that gave Russian the status of a State language alongside Belarusian. In practice, since 1995 State policy has been aimed at destroying the Belarusian language. Whereas in the 1993-1994 school year 76 per cent of first-grade pupils in Belarus and 58.6 per cent in Minsk studied in Belarusian, two years later those figures had fallen to 37.9 per cent of first-grade pupils in the country and 19.5 per cent in Minsk.³⁴ In 2021, only 10.2 per cent of all pupils studied in Belarusian. In the 2020-2021 school year, 0.2 per cent of students in higher education institutions, 0.1 per cent of students in specialized secondary institutions and 9 per cent of preschool children received education in Belarusian.³⁵ According to the 2019 census, out of 7,990,719 ethnic Belarusians only 2,275,243 said that they used Belarusian at home.³⁶

UNESCO describes the linguistic status of Belarusian in Belarus as "potentially vulnerable".³⁷

As a result of the State's systematic policy, use of Belarusian in everyday life is constantly decreasing, and Belarusian-speaking people are often perceived as "opposition". Some Belarusian-speaking respondents said that they saw biased treatment by the administration precisely in connection with their use of the Belarusian language. Some interviewed women, for whom Belarusian was their usual language of communication, were compelled to switch to Russian while in places of detention in order to avoid attracting attention and pressure. All documents in places of detention, such as sample applications and internal rules, are prepared only in Russian.

³⁴ <https://spring96.org/be/news/5133>.

³⁵ <https://www.dw.com/ru/kak-lukashenko-reshil-haipanut-na-belorusslom-jazyke/a-60661788>.

³⁶ <https://www.belstat.gov.by/upload/iblock/e2c/jpupn3rl7trtmxepj6vmh07qy6u5o09i.pdf>.

³⁷ <https://en.wal.unesco.org/countries/belarus/languages/belarusian>.

c. Disability and chronic diseases

According to Rule 2 (2) of the Nelson Mandela Rules, measures must be taken to protect and promote the rights of prisoners with special needs, and such measures must not be regarded as discriminatory. Rule 5 (2) of the Nelson Mandela Rules provides for the need to make “all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.”

Nevertheless, women with disabilities and other health problems do not receive the necessary assistance and are often subjected to additional discrimination because of their diagnosis.

For example, one respondent said that in a sewing workshop in the IK-4 women with HIV and hepatitis worked at a separate table. Such transfer to a separate table is stigmatizing and creates an impression of “danger” from the workers. At the same time, the colony administration did not provide real protection for other convicts: all sharp objects, such as scissors, were common to all workers.

Women with disabilities do not receive reasonable accommodation from the administrations of places of detention and often cannot even receive necessary items from relatives because of lack of permission from the administration. For example, one respondent described a woman in her unit who walked poorly and needed a cane and surgery. The woman waited for a cane for more than a year; during that time the operation was never performed.

Even obtaining disability status does not guarantee that health-related restrictions will be observed by the administration of the place of detention. One respondent, while in the colony, spent several months seeking referral for a medical-social examination. As a result of a medical examination conducted outside the colony, the woman was recognised as having a disability and as having restrictions on performing certain types of work. Despite the expert opinion, the woman was required to continue performing these types of work at the insistence of the colony administration. Two months later, she was finally able to see a doctor at the colony, who exempted her from these types of work. Only then did the administration stop assigning her to work that the expert assessment had found she was unfit to perform.

d. Retirement age

In violation of Rule 5 (2) of the Nelson Mandela Rules, women of retirement age are not provided with reasonable measures for adaptation in places of detention. Legally, women of retirement age may be involved in labour only with their consent (article 98 (2) of the CEC).³⁸ Similarly, legally, unpaid collective self-service work, including cleaning and improving correctional colonies, is also performed by women pensioners only with their consent (article 101 (2) of the CEC). In reality, however, as respondents said, women of retirement age are not forced to work, but they are not released from so-called “duties” and public work.

During renovation work in one of the units in IK-4, convicted women, including women of retirement age, were forced to carry ceramic tiles out of the building. In IK-24, women of retirement age were woken two hours before the rest of the prisoners to clear snow from the colony grounds.

³⁸ <https://pravo.by/document/?guid=11031&p0=HK0000365>.

The Committee regards older women as a vulnerable group and considers that special attention should be paid to their health needs and rights.³⁹ Forced involvement of women of retirement age in labour in places of deprivation of liberty without regard to their age and health, and under threat of punishment, constitutes a form of gender-based discrimination and exploitation falling within the protection of articles 2, 5 and 12 of the Convention.

The needs of women of retirement age are also not met. One respondent described an elderly woman who, because of her health condition, walked poorly. She needed diapers, but the colony administration did not provide them. The woman received no additional care from colony staff, and in fact other convicted women took all care of her upon themselves. In this case, a violation of article 12 of the Convention can be seen.

All the above circumstances indicate violations of articles 2, 3 and 5 (a) of the Convention. In addition, discrimination on the basis of imputed political views may constitute violations of article 7 of the Convention, while the absence of necessary accommodations and proper medical care for women with disabilities, illnesses or women of retirement age constitutes violations of article 12 of the Convention.

VII. Complaints about Conditions of Detention

Women deprived of their liberty often have no practical opportunity to challenge their conditions of detention. For example, women held in the TSIP and the Minsk IVS are not given paper and a pen, and for that reason alone they cannot prepare a complaint. One respondent said that when she was held in SHIZO in correctional colonies, where she was placed repeatedly, she was also not provided with paper and a pen. When women are held incommunicado, there is likewise no opportunity to submit a complaint because the administration of the place of detention blocks all the convicted woman's correspondence and all her communication with the outside world.

All correspondence in places of detention is checked by censors, even letters to lawyers or complaints to State bodies. As a result, some documents do not even leave the walls of the colonies. According to one respondent, the administration of IK-4 did not forward one prisoner's supervisory appeal against her conviction, even though the appeal had no bearing on the regime or administration of the correctional facility itself. Women in detention often fear complaining about conditions of detention, because doing so through those who are themselves involved in creating inhuman conditions is pointless and dangerous. Women fear that complaints about conditions may serve as grounds for increased repression and further deterioration of their already inhuman conditions.

³⁹ General recommendation No. 24 of the Committee on the Elimination of Discrimination against Women: Article 12 of the Convention (women and health), para. 6.

Such fears are not unfounded: the Special Rapporteur on the situation of human rights in Belarus indicated that in Belarusian correctional institutions, staff commonly retaliate against prisoners who voice complaints during inspections by prosecution authorities.⁴⁰ One respondent reported that whenever, following a prosecutor's inspection, the colony administration discovered that a convicted woman had submitted a complaint to the prosecutor's office, she was punished by placement in SHIZO. No anonymous and safe channels exist for submitting complaints about conditions of detention.

Relatives of women prisoners are also afraid to submit complaints about conditions of detention. They often do not know about the existing problems: knowing that letters to relatives are censored, women prefer not to write anything about inadequate conditions. Even if people do know what is happening to their relatives in places of detention, they also often prefer not to complain anywhere so as not to make things even worse for her.

For various reasons, lawyers also often do not challenge the conditions in which their clients are held. First, meetings between lawyers and their clients often take place without confidentiality, which both lawyers and the women themselves understand; in such conditions women do not want to speak about severe conditions of detention. Second, even when women tell lawyers about their conditions, they often do not want lawyers to submit any complaints so as not to worsen their situation. Third, Belarusian lawyers who actively defend their clients' interests may themselves become victims of State repression.

International experts have repeatedly pointed to increasing pressure on lawyers defending people facing politically motivated charges.⁴¹ Lawyers who perform their functions conscientiously are often disbarred, detained, prosecuted and arbitrarily held in custody, as a result of which their clients are deprived of the opportunity to challenge their arbitrary detention and report violations of their rights.⁴²

From 2022 to the end of 2025, 146 lawyers were deprived of their licences by decisions of qualification commissions on advocacy.⁴³ More than 500 lawyers were also forced to leave the profession themselves, fearing persecution by the authorities.⁴⁴ From September 2020 to February 2023, at least 23 lawyers representing opposition figures and human rights defenders were arbitrarily deprived of liberty.⁴⁵ At least six lawyers remain in detention.⁴⁶ This targeted policy of persecution and intimidation of lawyers has created an atmosphere of fear in the legal community, which negatively affects victims' ability to hire lawyers and obtain access to domestic remedies.

⁴⁰ [A/HRC/59/59](#), para 28

⁴¹ [A/HRC/55/61](#), para 21

⁴² [A/HRC/58/68](#), para 29.

⁴³ <https://www.defendersbelarus.org/>.

⁴⁴ <https://www.defendersbelarus.org/page67431057.html>.

⁴⁵ <https://redress.org/storage/2023/10/Systemic-ISSUES-THAT-PREVENT-THE-EXHAUSTION-OF-LOCAL-REMEDIES-IN-BELARUS-3.pdf>.

⁴⁶ <https://www.defendersbelarus.org/news/tpost/h1togpian1-maksim-znak-na-svobode>. On December 13, 2025, lawyer Maksim Znak was released and deported from Belarus along with 123 other political prisoners.

For example, lawyer Andrei Machalau was deprived of his lawyer's licence because he informed the media that his female client had been beaten by staff of the Main Directorate for Combating Organised Crime and Corruption.⁴⁷ Lawyer Yuliya Yurgilevich⁴⁸ was found guilty of aiding extremist activity and sentenced to six years' imprisonment⁴⁹ for transmitting to the Polish television channel Belsat information about her exclusion from the bar association and termination of her lawyer's licence, as well as information about the sentence imposed on her client.⁵⁰

Practicing in such conditions, lawyers fear telling even their clients' relatives about violations of their clients' rights and do not risk submitting complaints so as not to be arbitrarily deprived of liberty themselves.

By ratifying the Convention or acceding to it, States parties undertake to incorporate the Convention into their domestic legal systems or to give it otherwise appropriate legal effect within their domestic legal orders in order to secure the enforceability of its provisions at the national level.⁴⁹ In Belarus, however, the provisions of the Convention have effectively not been implemented into the domestic legal system. A person's right to apply to a court for elimination of discrimination is established in the Labour Code (article 14); a definition of various forms of discrimination is also found in the Law on the Rights of Persons with Disabilities and Their Social Integration.

The possibility of challenging discrimination is expressly provided only in the above-mentioned acts. No legislative act of Belarus enshrines the concept of discrimination against women or establishes a mechanism for protection against such discrimination. As a result, when challenging discriminatory conditions of detention, women face legal uncertainty and the impossibility of relying on specific norms. The absence in national legislation of a general definition of discrimination against women and its forms, as well as corresponding legal protection mechanisms, renders existing forms of judicial protection ineffective.

Thus, in Belarus, women held in places of detention are deprived of an effective remedy.

⁴⁷ <https://spring96.org/ru/news/105756>.

⁴⁸ <https://prisoners.spring96.org/en/person/julija-jurhilevich>.

⁴⁹ <https://ru.belsat.eu/80868051/stalo-izvestno-v-chem-obvinyayut-zhurnalista-pavla-mozhejko>.

⁵⁰ <https://prisoners.spring96.org/en/person/ales-puszkina>

⁵¹ General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28, para. 31.

VIII. Recommendations

We consider it necessary for Belarus to adopt the following measures:

1. adopt anti-discrimination legislation establishing the definition of discrimination against women, the forms of such discrimination and effective remedies against discrimination;
2. ensure that women in places of detention have the possibility of safely and anonymously submitting complaints about conditions of detention, staff actions or other violations of their rights;
3. conduct proper investigations of complaints about the conditions of detention of women in places of detention and hold responsible persons accountable;
4. end all practices amounting to torture or cruel, inhuman or degrading treatment or punishment of women in places of detention, including repeated arbitrary deprivation of liberty and incommunicado detention;
5. provide specialized training for staff in places of detention on non-discrimination and combating gender-based violence;
6. implement international standards on the conditions of detention of women deprived of their liberty (including the Nelson Mandela Rules and the Bangkok Rules) into domestic legislation, in particular by ensuring that the care and supervision of women prisoners are entrusted exclusively to female staff, and that searches of women prisoners are conducted only by specially trained female staff, with full respect for the dignity of the women concerned and by means that are the least intrusive;
7. ensure that women prisoners are free from all forms of sexualized violence and harassment;
8. ensure that women prisoners are provided with an unrestricted supply of the sanitary items and other materials required to meet their specific hygiene needs;
9. ensure adequate sanitary and hygiene conditions, such as access to water (including hot water), to showers as needed, and an adequate supply of soap, shampoo, toothbrushes, toothpaste, toilet paper, and other essential hygiene items;
10. ensure adequate conditions of detention for women in all places of deprivation of liberty, including by eliminating overcrowding, providing clean bedding, and replacing it regularly;
11. ensure that women prisoners have access to health-care services of a standard equivalent to those available in the community, including by ensuring continuity of care for chronic conditions and uninterrupted access to prescribed medication, timely access to gynaecological care, and prompt referral to community health-care services whenever required;
12. ensure specialized care for women prisoners with chronic diseases and disabilities, women of retirement age, and pregnant and breastfeeding mothers; provide reasonable accommodation where necessary;

13. recognise in practice the primacy of maternal care for children and ensure that women prisoners are able to reside with their children if they wish;
14. provide women prisoners with all necessary, quality, clean and replaceable clothing appropriate to the season and not transmitting gender stereotypes;
15. ensure the effective exercise of women prisoners' right to purchase necessary clothing and footwear.;
16. ensure that women prisoners work under conditions that comply with occupational safety and health requirements, including by providing appropriate protective clothing and personal protective equipment whenever necessary;
17. ensure that women prisoners receive equitable remuneration for their work.

Conclusion

The circumstances described in this report constitute only a partial account of the violations that women prisoners face every day in various places of detention. The Committee on the Elimination of Discrimination against Women has considered two cases against Belarus concerning discrimination in places of detention. Twelve years passed between the consideration of these two cases, but the conditions faced by women in those cases were similar. This confirms that if the State is taking any measures to change the situation of women in places of detention, such measures are minimal.

Violations of women's rights are not limited to isolated cases: similar discriminatory conditions of detention are faced both by women serving administrative arrests and by women deprived of liberty in connection with criminal proceedings. A gender-sensitive approach is not applied either in the development and assessment of the infrastructure of various institutions or in staff training. As a result, women are held in institutions designed primarily for men, and staff of places of detention transmit gender stereotypes and use gender-based violence. Of particular concern is the fact that women's vulnerability is used for targeted pressure; deterioration of conditions of detention and restriction of access to hygiene and medical care are used as means of punishment and control. Women deprived of liberty in politically motivated cases are subjected to the harshest and most repressive conditions. Nevertheless, they constitute only a minority of women prisoners, and even their possible release in the future will not improve the situation of the remaining women. This means that the issue is not a problem of specific categories of prisoners but a structural crisis in respect for the rights of all women in places of detention. Accordingly, the situation requires not piecemeal solutions or temporary humanitarian measures, but comprehensive legislative and institutional reforms aimed at eliminating discrimination as such. Without reforming the legal framework and sentence-enforcement practices, and without accountability for improper treatment of women, the State will continue to violate its international obligations and women prisoners will remain an invisible and unprotected group.

To improve the situation, international human rights mechanisms should recognise the circumstances described in this report as a systemic problem and raise issues concerning their elimination in official engagement with Belarus. A key role in changing the situation is also played by the consistent work of Belarusian human rights defenders: identifying violations through the prism of discrimination, documenting violations and submitting individual communications contribute to the long-term pressure on the State with the aim of eliminating discriminatory practices and legislation and, ultimately, improving the situation of women in all places of detention.