

The Republic of Belarus

Shadow Report 2016

United Nations Convention on the Elimination of All Forms of Discrimination against Women

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Introduction

This shadow report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Republic of Belarus is to complement Belarus’s Eighth Country Report to the CEDAW Committee. This document is a result of cooperation of two organisations, the International Centre for Gender Initiatives “Adliga: Women for Full Citizenship” and the International Centre for Civil Initiatives "Our House", and was written by Evgenia Ivanova and Olga Karach. The collected materials for this report were mostly in the Russian and the Belarusian languages; the report itself has been written in the English language and shall be translated into Russian for later dissemination in Belarus and in the region.

The sources of the data underlying this report include media reports, personal experience of some members of the involved organisations, as well as conversations and interviews with politically and socially active women who experienced police/ state violence against them as a result of their activism. The data collection and analyses of the cases briefly presented in this report is work in progress; the information presented here is an intermediate result of some on-going projects. Therefore this shadow report should not be regarded as exhaustive.

The views and recommendations suggested in this report reflect the views of the authors rather than a position of the represented organisations.

Executive Summary

This shadow report was not intended as a comprehensive response to every point presented in the Eighth Periodic Report submitted by Belarus for consideration of the CEDAW Committee; neither was its ambition to analyse and present every gender equality issue in the country. Therefore it should be seen as a complementary document to the country report and to other shadow reports.

The main purpose of this report is to draw the Committee's attention to certain issues, or rather their aspects, omitted in either the Concluding observations of the CEDAW Committee in 2011 or in the eighth country report in 2016.

The report focuses on two main issues. The first issue is the 'public' violence against politically and socially active women perpetrated by the state representatives such as police, state officials, civil servants or other individuals in power representing various state bodies. This violence varies from physical to psychological; purposes of such acts are to manipulate, punish or discipline women who are vocal in protecting their rights or rights of their children or active socially and politically. In other words this violence is committed in order to prevent women from participation in the public life or from expressing their opinion regarding the state of social and political affairs in their community and in the country. The survivors of the state violence experienced beatings, threats of sexual assault, illegal and forced placement in mental institutions, threats and/or attempts of involuntary termination of their parental rights and seizure of their children.

The second issue touches upon the gendered admission policy of the the Academy of the Ministry of Internal Affairs of the Republic of Belarus. The problem here is that for any prospective student applying to the Academy's bachelor programmes their gender often is a defining factor in the selection process, especially if this applicant is a woman. The institution restricts the number of female students allowed to study at the Academy and at times this number equals zero as it was with the police (militia) department in 2016.

Women's political participation and state violence against female activists (Art. 3; Art. 7)

When it comes to the fundamental human rights and political participation Belarus is a high risk country. Being critical towards the political and bureaucratic organisation of the country, expressing political views different from the pro-state ones, being a non-state journalist or a human rights activist (or any activist for this matter) is simply dangerous here. Detentions, tortures, threats, and brutality towards politicians, journalists, and human rights activists in Belarus are very well documented by the human rights agencies. Everybody suffers from the lack of freedom in Belarus,¹ but female activists suffer twice as much. They suffer from a phenomenon we refer to as police/state violence against female (political) activists or, in other words, public violence against women.

¹ <https://www.hrw.org/world-report/2015/country-chapters/belarus> (last visited on 23.09.2016).

This form of pressure impairs at least two crucial aspects of women's rights and freedoms, which are freedom from violence and right to participate in political and public life.

Freedom from violence is one of the basic human rights and fundamental freedoms of women. The General Recommendation No. 19 of the CEDAW Committee stresses that gender-based violence seriously inhibits women's ability to enjoy their rights and freedoms.

Belarus is dealing with the problem of violence against women for several years now. Both the CEDAW Committee's concluding observations on the seventh periodic report of Belarus and the country report 2016 note Belarus' effort to sensitise the police and law enforcement officers on the issue of violence against women. However, both the Committee's concluding observations (para. 19-20) and the country report (para. 82-107), as well as the list of issues and questions given to Belarus prior to the submission of the eighth periodic country report (para. 8-9) and previous shadow reports are talking mostly, if not solely, about domestic and sexual violence. We would like to note a serious gap in this discussion on violence against women in Belarus, namely instances of violence against women when a) women are politically or socially active and their public activity is a cause of the violence against them, b) the perpetrators of violence are not private men (or women) but representatives of the state, and c) its purpose is to reduce women's social activity, prevent them from political participation, and to produce docile female citizens. Bringing this manifestation of violence against women into the discussion is in line with the General Recommendation No. 19 of the CEDAW Committee that states that CEDAW applies to violence perpetrated by public authorities, which includes actions by or on behalf of the government.

We observed at least four forms of the police/ state violence against socially and politically active women. They are as follows:

- Beating and (threats of) sexual assault;
- Involuntary termination of women's parental rights for their (political) activism or threats to do so;
- Illegal and forced placement in mental institutions or threats to do so;
- Forced suicide.

Special attention should be paid to such a relatively recent but slowly spreading form of control over female activism as involuntary termination of women's parental rights or threats to do so. The first case of such state manipulation was practices on a famous political activist, Kristina

Shatikova, in 2006.² Since then the number of such cases was steadily raising. Some of these cases are listed in the Appendix.

All of these cases have several features in common. Firstly, their legal basis is the Belarus President Decree No.18 of 24 November 1996. This document enacts that a child can be taken from the family in cases when social workers find that the conditions of the child's life are not satisfactory and/or child's parents neglect their parental duties. At the same time the law does not provide any specific, clear or exhaustive definition of what 'the parental neglect' or 'unsatisfactory conditions' mean. Moreover, no provisions are made neither for a dialogue between the parents and the social workers nor for a procedure of appeal. In practice this vagueness creates a fruitful environment for corruption, manipulation, illegality, and power abuse.

Secondly, most of these cases occur on the local level, that is, they involve local administration and directed at the women active in the local community or in local grass-roots organisations. This makes the local female activists especially vulnerable.

Thirdly, these cases have a strong political aspect. Families that had been considered good enough to bring up, adopt or foster children after their mothers (or sometime fathers) expressed disagreement or a concern with the way a state institution operated have been suddenly reported as neglecting, improperly performing their parental duties or providing poor conditions for their children. The criticized institutions and issues raised vary (from school bullying to inadequate state support for foster families) but the punishment and disciplining elements are alike in all the cases.

Fourthly, in many cases the police was involved; often they were mobilized as administrative resource of the civil servants handling the situation.

Fifthly, the stress from (a possible) loss of their children, a fear of parental failure, and grief for children to be taken away is so high in women that some women, not necessarily politically active ones, preferred a suicide or an extended suicide (a suicide of a mother with her children) to the involuntary termination of their parental rights.³

Recommendations:

1. To ensure through education and reprimand that the police officers are aware of unacceptability of behaviour that includes (gender-based) physical, sexual, and emotional violence.

² <http://www.belaruspartisan.org/life/108096/> (last visited on 20.09.2016).

³ <http://euroradio.fm/ru/v-gomele-sudyat-mat-kotoraya-utopila-dvoih-malenkih-detey> (last visited on 23.09.2016); <https://charter97.org/ru/news/2013/10/28/78610/comments/> (last visited on 23.09.2016).

2. To encourage in police officers gender sensitivity and to cultivate an environment of respect through gender education. Measures should be taken to raise awareness regarding the gender aspects of violence and gender differences in perception of threats of violence, beating or threats of sexual assault, as well as about the impact such behaviours as unwanted touching, undressing, harassment and sexualised behaviour, denial in seeing children, etc. can have on women.
3. To ensure a fair investigation of the cases of police violence against women and a condign punishment for the convicted perpetrators.
4. To revise the Belarus President Decree No. 18 of 24 November 1996 in order to clarify the definition and criteria for ‘improper performance of the parental duties’ and for ‘conditions potentially hazardous for the life and health of the child’. To take necessary measures to protect mothers (and other care-givers) from the unfair and manipulative implementation of this Decree.
5. To provide, free of charge and on the basis of anonymity, psychological counselling to women traumatised by the actions of the police officers, civil servants, and other public officials.

Equality in Education (Art. 10)

Concluding observations of the Committee on the Elimination of Discrimination against Women issued in 2011 for Belarus noted a high level of women’s education in the country. However the committee expressed a concern regarding the low level of diversification in academic choices and high level of gender segregation in the area of vocational training (Para. 29).⁴

Belarus’s response to that, expressed in the Country Report-2016, was to cite an article of the Constitution of the Republic of Belarus that guarantees to women equal rights with (sic!) men in their opportunities to receive education and vocational training,⁵ and to provide some statistics demonstrating general involvement of Belarus’s men and women in education.

Not only the report lacks comprehensive information on measures taken to diversify academic and vocational choices for women and men or to encourage women and men to choose

⁴ http://www.un.org/ga/search/view_doc.asp?symbol=CEDAW/C/BLR/CO/7 (last visited on 10.09.2016)

⁵ Constitution of the Republic of Belarus of 1994, Art. 32. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127420.pdf (last visited on 10.09.2016)

non-traditional fields of education and careers⁶, it ignores the fact that in some areas the situation with gender segregation in career choices worsened.

As an example we would like to focus on the gender enrollment policy of the Academy of the Ministry of Internal Affairs of the Republic of Belarus. Every year a number of women allowed to take up their studies at the Academy is announced. In 2015 ten female students were enrolled into the police (militia) faculty; in 2016 this number was zero.⁷ Other departments (such as law, investigation, and penitentiary system) allocate certain number of places to women too. But make no mistake, these are not quotas aimed at bringing more women into the law-enforcement. These are the measures of restrictions and double-standards. Female and male applicants do not compete for the same places in the programme because women have a separate competition. Moreover, their pass grades are much higher: most of the times in order to be accepted women have to outperform their male counterparts by far and obtain grades that, at times, are twice or thrice as high as the male ones. Thus, in 2010 in order to be enrolled into the law programme of the Academy male applicants had to obtain 103 points, whilst urban and rural women had to earn 291 and 259 points respectively.⁸ Please note that women who got these grades were accepted not instead of the male students with the lower grade but along with them.

Moreover, the number of male and female students, given women are allowed to apply, are severely disproportional. Here are just some examples: in 2015 out of 90 students trained for road police, citizenship and migration departments, and community officers only 10 places were reserved for women; economic law department took 60 students and only 3 of them were female students; investigation department accepted 85 students, 10 of them were women.⁹

In addition to these formal restrictions for women, some instructors of the academy and former female students noted certain difficulties they faced due to the informal organisational culture of the Academy and of the police (militia) faculty. Social expectations put on women (by the society, male instructors and colleagues, and women themselves) were often in conflict with the expectations put on police officers and the students of the Academy. This created a situation of discomfort and confusion for instructors and students, both male and female.

⁶ This is how the issue was articulated by the CEDAW Committee in the List of issues and questions prior to the submission of the eighth periodic report of Belarus.

⁷ <http://minsknews.by/blog/2016/03/30/devushki-v-etom-godu-ne-smogut-postupat-na-fakultet-militsii-akademii-mvd/> (last visit on 10.09.2016)

⁸ <http://www.interfax.by/article/68642> (last visited on 10.09.2016)

⁹⁹ <http://mvd.gov.by/main.aspx?guid=249513> (last visit on 10.09.2016)

Recommendations:

1. To ensure that sex/gender is not a selection criterion, both *de jure* and *de facto*, for individuals (not) to be admitted into universities on the BA level. Exempted from this rule should be such measures as quotas for underrepresented gender groups in order to balance out the disproportion, as well as extra-curriculum educational programmes and courses helping individuals to develop social and professional skills outside of the scope of a bachelor degree. For example, courses for equal parenting aimed at fathers or leadership programmes working with women are not seen by us as discriminatory.
2. To ensure that the police (militia) department and other departments of the Academy of the Ministry of Internal Affairs of the Republic of Belarus accept female students.
3. To change the organisational culture of the Academy of the Ministry of Internal Affairs of the Republic of Belarus in general and of the police (militia) department in particular to ensure their greater inclusiveness and gender sensitivity.

Appendix

List of Cases:

Involuntary termination of women's parental rights for their (political) activism or threats to do so:

Nadezhda Dudarenko <https://nash-dom.info/35668> (last visit on 20.09.2016);

Svetlana Grichulina <https://nash-dom.info/36362> (last visit on 20.09.2016);

Olga Karach <https://nash-dom.info/24811> (last visit on 20.09.2016);

Elena Kashina <https://nash-dom.info/38558> (last visit on 20.09.2016);

Irina Kravets <https://nash-dom.info/36758> ,<https://nash-dom.info/36575> (video) (last visit on 20.09.2016);

Irina Khalip http://naviny.by/rubrics/society/2010/12/27/ic_articles_116_171834 (last visit on 20.09.2016);

Irina Motsnaia <http://gomel.today/rus/news/gomel/54069/> (last visit on 20.09.2016);

Anastasia Navoeva <https://nash-dom.info/34959> (last visit on 20.09.2016);

Olesia Sadovskaia <https://nash-dom.info/36742> (last visit on 20.09.2016);

Zhanna Scherbinina <http://news.tut.by/society/392662.html> (last visit on 20.09.2016);

Kristina Shatikova <http://www.belaruspartisan.org/life/108096/> (last visit on 20.09.2016);

Natalia Yanushkeich <http://news.tut.by/society/461757.html> , <https://nash-dom.info/37752> (last visit on 20.09.2016);

Illegal and forced placement in mental institutions or threats to do so:

Zhanna Popova <http://shkval-info.narod.ru/pol66.html> (last visit on 20.09.2016);

Olesia Sadovskaia <http://npar.ru/karatelnaya-psixiatriya-v-dejstvii-budesh-zhalovatsya-na-dejstviya-policii-okazheshsya-v-psixushke/> (last visit on 20.09.2016);

Kristina Shatikova

https://ru.wikipedia.org/wiki/%D0%98%D1%81%D0%BF%D0%BE%D0%BB%D1%8C%D0%B7%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%B5_%D0%BF%D1%81%D0%B8%D1%85%D0%B8%D0%B0%D1%82%D1%80%D0%B8%D0%B8_%D0%B2_%D0%BF%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B8%D1%85_%D1%86%D0%B5%D0%BB%D1%8F%D1%85 (entry on Belarus) (last visit on 20.09.2016);

Svetlana Lopukh <http://sputnik.by/live/20160122/1019705818.html> (last visit on 20.09.2016).

Forced suicide:

Yana Poliakova <http://news.tut.by/society/131118.html> (last visit on 20.09.2016).

Beating and threats of sexual assault:

Olga Karach <https://nash-dom.info/24984> ; http://udf.by/news/main_news/55266-milicioner-sadist-popal-na-skamyu-podsudimyh.html (last visit on 20.09.2016);

Maya Naumova <https://nash-dom.info/40376> (last visit on 20.09.2016).

List of References:

<http://mvd.gov.by/main.aspx?guid=249513> (last visit on 10.09.2016);

<http://minsknews.by/blog/2016/03/30/devushki-v-etom-godu-ne-smogut-postupat-na-fakultet-militsii-akademii-mvd/> (last visit on 10.09.2016);

<http://www.interfax.by/article/68642> (last visit on 10.09.2016);

<http://euroradio.fm/ru/v-gomele-sudyat-mat-kotoraya-utopila-dvoih-malenkih-detey> (last visited on 23.09.2016);

<https://charter97.org/ru/news/2013/10/28/78610/comments/> (last visited on 23.09.2016);

<http://mediakritika.by/article/3496/zhenshchiny-v-bede> (last visit on 20.09.2016);

<https://nash-dom.info/37703> (last visit on 20.09.2016);

<https://charter97.org/ru/news/2014/11/7/125083/> (last visit on 20.09.2016);

<https://nash-dom.info/36742> (last visit on 20.09.2016).