

## **Viešoji įstaiga «Teisinė iniciatyva»**

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Vilnius, 15.08.2025

### **Committee on the Elimination of Discrimination against Women**

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#### **Request for an Inquiry under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: Grave and Systematic Violations of Women's Rights in Detention Facilities in the Republic of Belarus**

**Dear Members of the Committee,**

The Belarusian human rights organisation “Legal Initiative” (registered in Lithuania) respectfully submits this request for the initiation of an inquiry under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter – “the Convention”), regarding grave and systematic violations of the rights of women deprived of their liberty in the Republic of Belarus.

The following Belarusian human rights organizations have joined this request: Human Rights Center Viasna, Belarusian Helsinki Committee, PEN Belarus, Lawtrend, Human Constanta, Respect-Protect-Fulfill.

#### **About the submitting organisation:**

“Legal Initiative” provides human rights education, protects victims of human rights violations and informs international organizations about the human rights situation in Belarus. For many years we have been working on issues of torture in Belarus.

“Legal Initiative”, in collaboration with other Belarusian and international human rights defenders, launched the International Committee for the Investigation

of Torture in Belarus – a special project aimed at collecting, consolidating, verifying, and preserving evidence of human rights violations allegedly committed by Belarusian authorities and others in the run-up to the 2020 presidential election and its aftermath<sup>1</sup>.

We have documented numerous testimonies from women about inhumane and discriminatory conditions in detention facilities, including unsanitary conditions, inadequate medical care, verbal and sexual harassment by male staff. Women perceived by the State as political opponents face especially severe and targeted abuse.

As it will be elaborated below, these patterns of abuse constitute discrimination within the meaning of Articles 1, 2, 3, 5(a), 7, and 12 of the Convention, as interpreted by the Committee in its General Recommendations No. 19, No. 24, No. 28, and No. 35. The ongoing nature of these violations, combined with the State party's failure to implement the CEDAW previous recommendations, requires urgent attention through the inquiry procedure.

### **1. Violations of Women's Rights in Detention**

The human rights defenders documented violations of women's rights in the following detention facilities:

- 1) temporary detention isolators (IVS) where people accused or sentenced under the Code of administrative offences or suspected of crimes are held,
- 2) centers for the isolation of offenders (TSIP) where people sentenced under the Code of administrative offences are held,
- 3) pretrial detention facilities (SIZO) where accused of crimes are held
- 4) penal colonies.

IVSes, TSIPs and SIZOs are used for both women and men. Two penal colonies (penal colony No.4 in Homiel and penal colony No.24 in Zarečča) are used only for female convicts.

The number of female political prisoners has varied over the years, but on average it is 10-12% of the total number of political prisoners<sup>2</sup>. As of June 1, 2025, there are 160 female political prisoners in Belarus<sup>3</sup>.

The discriminatory and abusive conditions faced by women in detention facilities include:

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<sup>1</sup> <https://torturesbelarus2020.org/en/>

<sup>2</sup> Annex 4, page 13

<sup>3</sup> List of political prisoners and persons convicted in political criminal cases. Human Rights Center "Viasna". Date of access: 1 June 2025. Link: [https://prisoners.spring96.org/en/list?view=1&status\[\]=0&gender\[\]=2](https://prisoners.spring96.org/en/list?view=1&status[]=0&gender[]=2)

### **1.1. Unsanitary Conditions and Lack of Hygiene** (the *Bangkok Rules* 5; the *Nelson Mandela Rules* 15, 16 and 18)

The accommodation of women in places of detention do not have facilities and materials required to meet women's specific hygiene needs.

According to Belarusian legislation women can be provided with sanitary pads and tampons in limited quantities: 6 items for 3 days (in IVS and TSIP), 10 items per month (in SIZO)<sup>4</sup>. In practice, however, women often do not receive any hygiene products at all and have to use rags, pieces of absorbent cotton, their own clothes, etc<sup>5</sup>.

Many women reported a shortage of toilet paper in places of detention. Sometimes toilet paper was not distributed for several days after it had run out<sup>6</sup>.

According to Belarusian legislation, access to showers for detainees held in IVSes and TSIPs is provided no less than once a week. No exceptions are made for women, even during menstruation. Many women who served administrative detention terms reported that they were not allowed to shower at all, and were forced to collect water in improvised containers (such as water bottles, sanitary pad packaging) to wash themselves<sup>7</sup>.

In penal colony No 4, the living conditions also prevent women from maintaining an adequate level of personal hygiene. For example, in some premises there might be only one bidet for 80 people and no shower facilities. Even where a shower is available, women are not permitted to use it more than once a week, even after working in dusty and stifling environments<sup>8</sup>. The administration frequently closed access to the toilets for various reasons, including as a form of punishment<sup>9</sup>; in some premises there is no privacy when using the toilet<sup>10</sup>.

Many women reported that there were bedbugs, cockroaches and lice in the cells<sup>11</sup>.

*Failure of detention facilities to address the specific needs of women constitutes discrimination within the meaning of article 1, 2, 3 of the Convention as explained in General Recommendation 24.*

### **1.2. Degrading Searches, Infringement of Privacy and Exposure to Male Staff** (the *Bangkok Rules* 19 and 20; the *Nelson Mandela Rules* 51, 52 and 81)

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<sup>4</sup> Annex 1, page 2-4

<sup>5</sup> Annex 4, page 33-34

<sup>6</sup> Annex 4, page 32

<sup>7</sup> Annex 4, page 32

<sup>8</sup> Annex 5, page 31, 32

<sup>9</sup> Annex 5, page 32, 53

<sup>10</sup> Annex 5, page 17

<sup>11</sup> Annex 4, page 32; Annex 7, page 3, 8; Annex 9, page 24, 50

Women reported being forced to undress and squat in detention facilities. In some cases, they were made to undress while facing the risk of being observed by male staff members or even in the presence of male guards<sup>12</sup>. Women had to wash themselves knowing that male officers might be watching<sup>13</sup>. In certain instances, there were peepholes in the shower rooms and the male guards had an opportunity to watch women<sup>14</sup>.

Numerous women reported a lack of privacy when using toilets, which were not fenced or had surveillance cameras installed above them. In the SIZO of KGB (State Security Committee of the Republic of Belarus) there was no toilet in the cell, and there was a plastic bucket with a lid instead. It stood near the door, and when the male officers looked through the peephole, they could see the female detainees using it<sup>15</sup>.

This constitutes a violation of women's right to dignity and bodily integrity and reflects entrenched gender-based power imbalances.

*The unrestricted visual and physical access to detained women by male staff constitute discrimination within the meaning of articles 1, 2 and 5 (a) of the Convention, as explained in General Recommendations No. 19 and 35.*

### **1.3. Gender-Based Verbal and Physical Abuse (the Bangkok Rules 31, the Nelson Mandela Rules 1)**

Many women testified to ill-treatment, verbal abuse, and threats, including sexualized harassment. Numerous women stated that they were insulted with sexist and demeaning terms such as “cows” or “chicks”<sup>16</sup>. The male officers made degrading jokes about rape directed at detained women<sup>17</sup>.

*The incidents of sexual harassment by male staff and the failure to provide appropriate training to staff regarding the gender-specific needs and rights of women constitute discrimination within the meaning of articles 1, 2 and 5 (a) of the Convention, as explained in General Recommendations No. 19 and 35.*

### **1.4. Inadequate Medical Care and Health Risks (the Bangkok Rules 10, the Nelson Mandela Rules 1, 24, 27)**

Women detainees are routinely denied access to necessary medications and medical attention. Numerous women reported that the conditions were not safe for

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<sup>12</sup> Annex 4, page 23, 40, 41

<sup>13</sup> Annex 4, page 22

<sup>14</sup> Annex 4, page 32

<sup>15</sup> Annex 9, page 41

<sup>16</sup> Annex 4, page 21

<sup>17</sup> Annex 4, page 22, 25

their health<sup>18</sup>. Necessary treatment is not provided in places of detention; medications from relatives are either not accepted or accepted with significant delays.

Some women claimed they got bladder infection<sup>19</sup>, ovarian or other gynecological diseases in detention facilities. In detention, due to stress, 80% of women experience menstrual cycle disruptions, and only 37% recover their cycle afterward, while 63% develop long-term or permanent menstrual irregularities<sup>20</sup>.

*Failure of detention facilities to ensure access to gender-specific health care for women constitutes discrimination within the meaning of articles 1,2 and 12 of the Convention, as explained in General Recommendation No.24.*

### **1.5. Public and Humiliating Punishments** (*the Bangkok Rules 1 and 22, the Nelson Mandela Rules 1 and 43(1)*)

In penal colony No. 4 in Homiel, a punitive measure known as the “shame cage” is used against women. It is a rectangle of metal bars, about one and a half meters long and two meters wide. The cage is located so that it is visible to as many convicts as possible on their way to and from work, which causes additional humiliation and suffering for the punished woman. The women can stay there from half an hour to eight hours in any weather<sup>21</sup>. Human rights defenders have not documented similar forms of punishment in male penal colonies.

*The use of the “shame cage” constitutes a violation of the dignity and bodily integrity of women. Such practice violates Articles 1, 2, 3, 5(a), and 12 of the Convention, as interpreted in the Committee’s General Recommendations No. 19, No. 24, and No. 35. The absence of such punishment in male detention facilities underscores its discriminatory intent and effect.*

### **1.6. Particularly Harsh Conditions for Women Detained on Politically Motivated Grounds** (*the Bangkok Rules 1, the Nelson Mandela Rules 1 and 13*)

All women in places of detention are held in harsh conditions, but those deprived of liberty for politically motivated reasons face especially severe treatment and restrictions. Women are placed in cells where the number of detainees far exceeds the available space; women are forced to sleep on the floor or on tables, are woken up twice a night, lights are kept on continuously, and no mattresses,

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<sup>18</sup> Annex 6, page 11

<sup>19</sup> Annex 4, page 30

<sup>20</sup> Annex 8, page 7

<sup>21</sup> Annex 4, page 50; Annex 5, page 50

toothbrushes and toothpastes are provided. Women are denied the right to receive parcels from their relatives.

Women involved in human rights advocacy and other public activities face attacks on their reputations both because of their work and their identity. Quite often, women human rights defenders and civil society activists are the targets of sexual harassment (comments and insinuations about sexuality, sexual orientation, reproductive status or marital status)<sup>22</sup>.

In penal colony No. 4 many women were pressured upon arrival to admit guilt. Those who resisted faced constant threats of never leaving the penal colony, leaving it with their health ruined or being immediately rearrested after release<sup>23</sup>.

The prospect of being subjected to such conditions exerts a chilling effect on female civil society activists, deterring them from speaking out or participating in public life.

*The imposition of especially harsh conditions of detention on women detained and imprisoned for political reasons constitutes a violation of article 7 of the Convention.*

## **2. Grave and Systematic Nature of the Violations**

CEDAW considered two cases against Belarus regarding unhygienic, degrading conditions and gender-based violence of women in detention facilities. The first case (CEDAW/C/49/D/23/2009) related to IVS in Brest in 2007, the second case (CEDAW/C/87/D/157/2020) related to IVS and TSiP in Zhodzina and Minsk in 2017. In both cases the CEDAW stated that Belarus violated its obligations of the Convention. Two similar views in relation to ill-treatment of women sentenced to administrative arrests, adopted with a 15-year interval, demonstrate that the State did not take any of the measures recommended earlier by the Committee to prevent recurrence of the violations<sup>24</sup>.

In its Concluding observations on the eighth periodic report of Belarus (2016) the CEDAW expressed its concerns about poor prison and detention conditions of women, and sexual abuse by male staff<sup>25</sup>.

Since 2020 the situation is getting worse. The period preceding the presidential election of 9 August 2020 and particularly the period following it was characterized by widespread arrests. Politically motivated administrative and criminal proceedings

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<sup>22</sup> Annex 6, page 16

<sup>23</sup> A/HRC/58/68, para 54

<sup>24</sup> A/79/201, para 82

<sup>25</sup> CEDAW/C/BLR/CO/8, para 44-45

were initiated against activists and participants in peaceful demonstrations<sup>26</sup>. The wave of arrests and detentions that began shortly before the presidential election in 2020 has persisted to the present day. In 2024, courts tried more than 7,500 people – a quarter of them women – on politically motivated charges nationwide, an increase of 100 a month compared with 2023<sup>27</sup>.

Detained women were held in poor conditions; they were subjected to torture, ill-treatment and other forms of physical and psychological pressure while in detention, including gender-based violence and the threat of rape<sup>28</sup>.

In 2024, former Special Rapporteur on the situation of human rights in Belarus Anais Marin stated that according to accumulated reports gender-based violence was systematic in places of detention since 2020<sup>29</sup>.

In its Concluding observations on the ninth periodic report of Belarus (2025), the CEDAW confirmed the inhumane conditions of detention for women, including gender-based violence, overcrowding, lack of hygiene, inadequate medical care.<sup>30</sup>

Violations of the rights of women in detention have been occurring over several years in various cities in Belarus (Minsk<sup>31</sup>, Homiel, Viciebsk<sup>32</sup>, Zhodzina<sup>33</sup>, Brest<sup>34</sup>, Kobryn<sup>35</sup>, Mahiliou<sup>36</sup>, Hrodna<sup>37</sup>) and in different categories of detention facilities (IVS, TSIP, SIZO, penal colonies). The nature of the violations involves deliberate and gender-specific forms of ill-treatment. The conditions in detention facilities result in long-lasting harm to women's mental and physical health, including reproductive health.

The scale, prevalence, nature and impact of the violations show that Belarus has been committing the grave violations of rights under the Convention.

The inhuman and discriminatory conditions in detention facilities in Belarus are not the result of isolated incidents or random occurrences. The institutionalization of discriminatory practices through legislation, the State's persistent failure to act on previous views and Concluding observations of the CEDAW, repetitions of violations across different facilities and over years indicate the systematic nature of the violations.

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<sup>26</sup> A/HRC/46/4, para 39-46

<sup>27</sup> A/HRC/58/68, para 32

<sup>28</sup> A/76/145, para 9; A/HRC/46/4, para 60; A/HRC/47/49, para 44; A/HRC/49/71, para 76

<sup>29</sup> A/79/201, para 83

<sup>30</sup> CEDAW/C/BLR/9, para 53-54

<sup>31</sup> Annex 2, page 24-27; Annex 7, page 4, 7, 8, 11, 12

<sup>32</sup> Annex 7, page 1

<sup>33</sup> Annex 2, page 27-29; Annex 7, page 2

<sup>34</sup> Annex 7, page 3

<sup>35</sup> Annex 7, page 3

<sup>36</sup> Annex 7, page 4, 9, 10

<sup>37</sup> Annex 7, page 6

### **3. Request and Suggested Questions for the Inquiry**

We respectfully request the Committee to initiate an inquiry under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women into grave and systematic violations of women's rights in detention facilities in the Republic of Belarus

Should the Committee proceed with the inquiry, we propose the following questions be posed to the State party:

1. What specific measures have been adopted to prevent and eliminate torture, ill-treatment, and various forms of gender-based violence against women in detention?
2. How does the State ensure compliance with the Convention, the Bangkok Rules, Nelson Mandela Rules, and other relevant international standards?
3. To what extent have these measures been effective in addressing gender-specific violations, such as the denial of hygiene, inadequate medical care, verbal and sexual harassment, and the infringement of women detainees' right to privacy by male staff?
4. What safeguards and accountability mechanisms are in place to ensure that women can safely report abuse and access timely redress and support?
5. What training and capacity-building efforts have been implemented for detention staff regarding women's rights, gender-based violence, and the specific needs of women in custody, and how is the effectiveness of such training evaluated?
6. Has the State party conducted prompt, thorough, and impartial investigations into allegations of gender-based violence and ill-treatment of women in detention since 2020? What sanctions, if any, have been imposed on those found responsible?
7. What measures are in place to monitor and assess the long-term physical and mental health consequences of detention on women, including impacts on reproductive health, and to ensure the provision of appropriate support and reparations?
8. What disaggregated data does the State party collect on women in detention, including on reported cases of abuse and access to health care?

We express our appreciation to the Committee for its continued commitment to the protection and promotion of women's rights and stand ready to provide any additional information or documentation that may assist in the consideration of this request.



#### **4. Annexes:**

Annex 1. National Law

Annex 2. Third interim report. Torture, cruel, inhuman and degrading treatment of women

Annex 2.1 - Description of The third interim report. Torture, cruel, inhuman and degrading treatment of women

Annex 3. Fourth interim report. Conditions of Detention in Places of Detention from August 2020 to May 2021

Annex 3.1 - Description of The fourth interim report. Conditions of Detention in Places of Detention from August 2020 to May 2021

Annex 4. Report\_They decided to wipe us off the face of the earth

Annex 4.1 - Description of the Report\_They decided to wipe us off the face of the earth

Annex 5. Report Torture and Abuse in Women's Penal Colony No.4, Homel

Annex 5.1 - Description of the Report Torture and Abuse in Women's Penal Colony No.4, Homel

Annex 6. Belarusian-Women-Human-Rights-Defenders-and-Civil-Activists. Specifics of Persecution and New Conditions

Annex 6.1. Description of the report Belarusian Women Human Rights Defenders and Civil Activists. Specifics of Persecution and New Conditions

Annex 7. Testimonies of women detained between 2020 and 2024

Annex 8. Article\_You have a tumor, you need to go to the hospital, but there is no possibility

Annex 9. Articles about the detention conditions of Belarusian women

CEDAW/C/BLR/CO/8

CEDAW/C/BLR/9

A/HRC/58/68

A/79/201

A/HRC/46/4

A/76/145

A/HRC/47/49

A/HRC/49/71

Sincerely,

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