

CRACKDOWN FROM THE TOP: GENDER-BASED REPRISALS AGAINST WOMEN ACTIVISTS IN BELARUS

Women are disproportionately affected by the severe clampdown on human rights in Belarus, where the authorities have been flagrantly disregarding the country's human rights obligations ahead of the August 2020 presidential election. Women are subjected to gender-based stereotyping and discrimination grounded in patriarchal notions of gender roles which present them as "vulnerable" and "weak", deny them control over their bodies and reductively frame them in caring or parental roles and responsibilities.¹ It is also evident in the run-up to the August presidential election that women are often targeted by the authorities in gender-specific ways.

Repression of all forms of political dissent has severely curtailed the rights to freedom of expression, association and peaceful assembly. Peaceful gatherings, whether bringing together a handful or thousands of people, have been dispersed by law enforcement, with increasing violence. Hundreds of individuals have suffered arbitrary arrest and detention, police violence, and heavy fines. Dozens are facing unfounded criminal prosecution, and many are already behind bars as criminal suspects – but they are prisoners of conscience, as is anyone detained simply for taking part in peaceful protest.

While a range of sectors of society are affected by the clampdown, women actively engaged in political campaigning and civic activism in addition face gender-based discrimination. In consequence they often suffer disproportionately from politically motivated persecution, intimidation, harassment and reprisals targeted at President Alyaksandr Lukashenka's opponents and their supporters, civil society activists and independent media. Women who are family members of or related to the leaders of political protests are also similarly targeted. Some examples include authorities' threats to take these women's children into state custody, or threats of sexual violence against them.

Background: high-level misogyny promoted by national media

In Belarus patriarchal and discriminatory attitudes towards women are deeply entrenched within both state institutions and society. On the one hand, the President appoints prominent women to senior positions within the Presidential Administration, or to the post of minister. On the other hand, these appointments are often tokenistic. These women's prominence in the country's politics and by extension, their visibility in the state-controlled media, is dependent on their manifest support to Alyaksandr Lukashenka. In contrast, any woman who gains public prominence in opposition to the government often becomes a target of smear campaigns or of dismissive remarks by the President and his associates – if not direct harassment and intimidation. These dismissive remarks by the head of state against women perceived to pose a significant policy or political threat, for example during the COVID-19 pandemic or in the run-up to the presidential elections, come across as plainly misogynistic and denigrate the dignity of all women.

In his public pronouncements, the President routinely makes sexist statements, for instance by relegating women to their bodies² or to the domestic sphere where they "contribute to rearing the next generation and preserving tradition and moral values."³ During a speech broadcast on national television in late March he matter-of-factly compared women to cattle when he described beauty parlours as places where more well-

¹ Carolina Criado Perez. *Invisible Women*, 2019, XIII.

² <https://belsat.eu/ru/programs/pochemu-lukashenko-obvinyayut-v-seksizme/>

³ <https://news.tut.by/society/487421.html>

off women “go to have their hoofs cleaned.”⁴

In the run-up to the presidential elections on 29 May, during his visit to Minsk Tractor Factory, Alyaksandr Lukashenko was televised saying: “Our Constitution is not made for a woman [as president]. Our society has not matured to vote for a woman. Because according to our Constitution the president holds a strong power.”⁵ On 20 June, in an apparent attempt to remedy the situation, he commented in a national broadcast that his words had been taken out of context and made a further derogatory remark: “Our Constitution is such that even for a man this [presidency] is a heavy burden. And if one placed it on a woman, she would collapse, poor thing.”⁶

Against the background of such misogynistic remarks by the head of state, widely broadcast via state-controlled national television, the authorities have engaged in smear campaigns and intimidation of politically active women and women partners of political activists. These attacks have taken different forms, including open or anonymous messages containing threats of sexual violence or severe consequences against family members, in particular threats that the social services may take their children into state custody.

ANONYMOUS THREAT TO A WOMAN PRESIDENTIAL CANDIDATE

On 16 June, the presidential candidate Svyatlana Tsikhanouskaya reported to independent media outlet TUT.BY that she had received threats from an anonymous man who demanded that she withdraw from the presidential race.⁷

Svyatlana Tsikhanouskaya’s husband is the imprisoned political activist and popular blogger Syarhei Tsikhanouski (recognised as a prisoner of conscience by Amnesty International) who intended to run in the presidential election. He was arrested on 6 May before he could register his candidacy and placed in detention to serve a 15-day sentence for participation in a December 2019 peaceful protest. He was briefly released before being re-arrested on 29 May under fabricated criminal charges.⁸

Svyatlana Tsikhanouskaya put forward her candidacy for the elections after his first arrest. She has enjoyed considerable support across the country and collected the over 100,000 signatures required of a self-nominated presidential candidate for official registration. She was in the city of Homel delivering the signatures collected in her support to local election offices when a man whom she did not know called her from a foreign number.⁹ Apparently he was aware of her whereabouts and activities and threatened her with arrest and criminal prosecution, and with her children being taken into state custody unless she ended her pre-election trip immediately. Considering that her husband had already been arbitrarily arrested, alongside nine other supporters, the threat sounded plausible. According to Svyatlana Tsikhanouskaya, she saw no point in filing an official complaint about this incident and, given the realistic and egregious nature of the threat concerning her children, she considered quitting the race – but eventually stayed on.

⁴ <https://frazz.com/video/277562-lukashenko-sravnil-belorusskih-zhenschin-so-skotom>

⁵ <https://nn.by/?c=ar&i=252664&lang=ru>

⁶ <https://belaruspartisan.by/politic/503958/> and <https://news.tut.by/economics/689625.html>

⁷ <https://news.tut.by/elections/688946.html>

⁸ See details in: <https://www.amnesty.org/download/Documents/EUR4926202020ENGLISH.pdf>

⁹ See details in: <https://news.tut.by/elections/688946.html>

THREATS TO TAKE CHILDREN INTO STATE CUSTODY

The threat to remove children of women political activists from the family home and place them in state custody is not a new phenomenon in Belarus. Amnesty International has documented such threats, made by officials against politically active women, in the past – for instance, Larysa Schyrakova, an independent journalist from Homel who was targeted in this way in 2017 for covering anti-government protests.¹⁰ While the call received by Svyatlana Tsikhanouskaya was anonymous, the threat of removing children has been used openly by the authorities in the context of the forthcoming presidential elections.

The legal basis for the authorities' threats to take children away is Decree No. 18.¹¹ The Decree outlines "measures to protect children in disadvantaged families" and provides the authorities with the power to take away a child and place them into state care if the parents, or the single parent "lead an immoral life, which has a harmful effect on a child, if they are chronic alcoholics or drug users, or if they otherwise misbehave and fail in their responsibilities to raise and support their children, which puts children in a socially dangerous situation."¹²

There have been numerous reports, as documented by the Belarusian NGO Nash Dom, amongst others, that the Decree has been used to target political activists, particularly women, seeking to deter them from participating in politics or discourage public protest and dissent.

Vitalia Navumik's husband, Uladzimir Navumik, is an activist from Hrodna and a member of Svyatlana Tsikhanouskaya's support team who was arrested in the context of the criminal case against Syarhei Tsikhanouski. According to Vitalia Navumik, on 17 June 2020, after the arrest of her husband, she was visited by the head of the kindergarten attended by their five-year-old daughter, along with two officials from the education authorities. She was told that under the pretext of Decree No. 18 that the visit was to check the living conditions of the child, as follow-up to a report by police who alleged that while searching Uladzimir Navumik's flat they had witnessed poor living conditions. Vitalia Navumik shared her fear of losing her daughter in an interview to Radio Svaboda:

According to the police, our apartment was messy, with cigarette butts and empty alcohol bottles lying around. Except it wasn't true and a video made during the search can prove it. But it was never provided as evidence. Instead they sent an inspection group from the kindergarten and threatened to take away my child.¹³

After the first inspection it was established that there was no reason to remove the child from the family. The threat of it still lingers, Vitalia Navumik explained Amnesty International:

When during the inspection they told me that my daughter could be taken away, I was so horrified that I didn't even know what to say or how to react. I just stood there in front of them, too shocked to talk. But as soon as the inspection group left, I gathered strength and started calling everyone, including journalists. My story became known, it resonated with people and maybe that's why we were eventually left alone. But even now as I'm remembering this, I immediately begin to cry. This fear will never go away. Why did they bring my child into it?

¹⁰ <https://www.amnesty.org/en/documents/eur49/6024/2017/en/>

¹¹ http://www.tamby.narod.ru/belarus/belarus-zakon_D18.htm

¹² http://www.tamby.narod.ru/belarus/belarus-zakon_D18.htm (Para 1)

¹³ https://www.youtube.com/watch?v=ByjKMAjyx3s&t=85s&fbclid=IwAR0f4w7tnpL9gEAb1sRADtDe_h3ogkp4iWi6X6PO5QLuujUqnBCgKRfMxNnA

MASS ARRESTS AND PENALTIES AGAINST WOMEN PEACEFUL PROTESTERS

Hundreds of peaceful protesters have been arbitrarily detained in the streets of Belarus since protests broke out in opposition to the authorities' reprisals against opposition candidates and their associates. Many have been detained by unidentified men in plain clothes, believed to be police or other security officials. Police have used excessive force in many instances,¹⁴ and many of those detained are women.

The legislation in Belarus which defines penalties for administrative offences, and in particular for taking part in "unauthorised" street gatherings (Article 23.34 of the Code of Administrative Offences), discriminates between men and women with children. According to the Administrative Code of the Republic of Belarus, the penalty of "administrative detention" cannot be applied to a woman who has children under the age of 18 (or to a man but only if he is a single parent).¹⁵ Such detention typically lasts between five and a legal maximum of 15 days, but the 15-day term may be applied consecutively multiple times for purported multiple offences. Thus, at the time of writing, a prominent political activist, prisoner of conscience Paval Sieviaryniec, is serving a total of 75 days for his participation in several peaceful protests.¹⁶

Where the arrested protester is a woman without children under the age of 18, the same penalty of "administrative detention" can be applied, including multiple times. Thus, political activist Volha Mikalaychyk was given 58 days of "administrative detention" in total for her activism in the run-up to the presidential election. Volha Mikalaychyk was detained in poor conditions and not allowed even the most basic personal hygiene items, such as sanitary towels. Moreover, while in detention, Volha Mikalaychyk developed acute symptoms matching those of Covid-19, but was not provided with healthcare. Unexpectedly, and likely in response to public pressure, Volha Mikalaychyk was released without any explanation on 7 July after serving 30 days in detention. She could be re-arrested at any time to serve the remaining 28 days.

Although some women activists with children under the age of 18 have been spared "administrative detention", they appear to be targeted disproportionately for heavy fines. The fines typically range from EUR 50 to 600, a considerable amount for many Belarusians. According to the Nash Dom, as of 16 June 2020 dozens of women had been fined a total of nearly US\$ 13,000 for their role in the ongoing pre-election protests, or a third of the total of all fines during the same period, suggesting that they receive heavier fines on average.

There are exceptions as to how the authorities apply the rule regarding women with children under the age of 18. Thus, activist Elena Lazarchyk was arrested in Minsk on 5 June and sentenced to 12 days of "administrative detention". According to Nash Dom, her six year-old child was effectively left without parental supervision as the child's father had been arrested the day before.¹⁷ Neighbours took care of the child while both parents were in detention, to avoid the child being taken into state custody under the pretext of Decree No. 18. The child stayed with neighbours for three days until Elena was released.

"WE CAN RAPE YOU AND YOU WILL NOT BE ABLE TO PROVE IT"

In Homel, Violetta, an activist who was gathering signatures for Svyatlana Tsikhanouskaya, was brought to a police station when her partner Dmitry Lukomsky was fired from his job due to his activism. She was questioned without any legal representation and threatened with rape. In her interview with Amnesty

¹⁴ See details in: <https://www.amnesty.org/download/Documents/EUR4926202020ENGLISH.pdf>

¹⁵ Article 6.7, part 2, of the Code of Administrative Offences of the Republic of Belarus

¹⁶ <https://www.amnesty.org/en/documents/eur49/2639/2020/en/>

¹⁷ https://nash-dom.info/60852?fbclid=IwAR2FJImL61j7Mr4wfQ3robwl_5wcoS9KRRoj1j6cKv9kvG7LHI_za6ZHxY

International she explained:

They asked me why I had tried to film their visits to my home and their spying on me and I replied that I had wanted to protect myself. So, one of them said: 'Well, right now you are not videotaping us and we can all rape you and you won't be able to prove it'.

The threat of rape constitutes sexual violence and is a form of violence against women and gender-based violence.

Amnesty International calls on the authorities in Belarus to:

- immediately stop all reprisals against women activists and end the practice of targeting women activists with gender-specific intimidation and threats of gender-based violence;
- publicly and unequivocally condemn attacks, threats and intimidation against all women activists without discrimination, and refrain from using language that stigmatizes, abuses, disparages or discriminates against them;
- immediately and effectively investigate all reported instances of threats, violence and arbitrary arrests of women, as well as any victims of such violations, and bring to account all those responsible;
- immediately and unconditionally release any person deprived of their liberty solely for peacefully exercising their human rights, including women and men serving "administrative detention" for taking part in peaceful protests, as they are all prisoners of conscience; and
- immediately stop the practice of harassment and intimidation of politically active women under Decree No. 18.

Women and other victims of human rights violations must receive access to a remedy for violations they have suffered. Belarus must fully comply with all of the country's obligations under international human rights law, including by respecting, protecting and fulfilling the human rights of everyone in the country, regardless of their gender, political opinion or affiliation.