

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: UA BLR 3/2023

(Please use this reference in your reply)

27 April 2023

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/8, 50/20, 43/4, 51/21, 43/16, 49/10, 43/20, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the conditions and treatment of detainees at the two penal colonies for women in Belarus, as well as in the Akrestina detention centre. Although the number of women detained in such dire conditions is allegedly larger, this communication focuses on the documented cases of seven women, detained and sentenced on what appear to be politically motivated charges, that suffered irreversible and sometimes life-threatening health deterioration in detention and denial of medical treatment, potentially amounting to torture or other cruel, inhuman or degrading treatment or punishment, namely: (1) Maria Kalesnikava, (2) Ksenia Lutschina, (3) Maria Rabkova, (4) Kanovaeva Antonina, (5) [REDACTED], (6) Volha Zalatar, (7) Viktoryia Kulsha.

According to the information received:

There are at least 54 women sentenced to lengthy prison terms on politically motivated grounds in violation of the international human rights law standards binding on Belarus. They are serving their sentences at the general-security colony in Homiel and the enhanced-security colony for repeat offenders in Rechytsa, following their conviction in the aftermath of the 2020 presidential elections.

Some of these women have been arrested and detained in connection to the legitimate exercise of their professional activities in the areas of politics, human rights and journalism. Belarus is in the top five countries globally with

the largest number of journalists behind bars and holds the fourth position for the number of imprisoned female journalists. Other women have been imprisoned for civic activism, including peaceful participation in protests, or for questioning and raising voices of dissent with the policies pursued by the incumbent authorities.

Women at the two penal colonies face overall harsh living conditions, including a lack of basic infrastructure, poor sanitation, shortages of hot water and heating, insufficient ventilation, heavy exposure to passive smoking, poor nutrition, as well as brutal treatment at the hands of the prison staff. All these factors individually and in accumulation have severe health-damaging effects.

Moreover, women sentenced on politically motivated grounds face additional threats, including physical mistreatment and psychological pressure through humiliating practices. They are arbitrarily placed in the so-called “cell-type units” or “punitive isolation”. The former is a placement under a restrictive regime while the latter is a form of solitary confinement that can last up to six months. Women that have been placed in “punitive isolation” report being “starved and cold all the time”. The two regimes involve deprivation of access to personal belongings and denial of correspondence and visits, including denial of access to their lawyers, which deprives them of any avenues for challenging their conditions in detention.

Moreover, lawyers representing the cases of political figures, human rights defenders or individuals that have raised voices of dissent are consistently deprived of their practising licenses and face other forms of intimidation, a concern raised by special procedures mandate holders in their communication to the Government of Belarus (BLR 9/2020 and BLR 5/2021).

Women in detention can receive packages from family or friends and can buy additional food and other regulated items from the shop on the premises of the colony. However, there is a strict restriction for women detained on politically motivated charges, as they are only allowed to receive packages limited to 5kg and their spending is limited to 37 BYN per month, which is an equivalent of 10 USD. This is insufficient to allow for covering all needs some detainees may have, especially related to health-induced dietary restrictions.

Detainees are entitled to three short visits of two hours and three long visits of three days each, per year. However, women sentenced on politically motivated charges have had the latter visits reduced to one day only. In addition, prison authorities often denied access to visits as a disciplinary sanction or punishment.

Medical diagnosis and care are of inadequate quality generally. Women detained on politically motivated grounds face further discrimination by being denied access to timely medical examination and medical care, including in cases of emergencies, and have no access to specialized services of medical specialists (gynaecologist, dentist, ophthalmologist, gastroenterologist, etc.).

Medical units are part of the prison administration, which restrains the independence of the medical staff and notably their ability to report on any signs of torture or ill-treatment they eventually observe. An independent

medical doctor can visit upon authorization by the head of the colony, which is reportedly impossible to obtain.

According to information received, there is no independent monitoring and effective complaints system. Complaints are often withheld by the prison administration and do not reach the Office of the Prosecutor. The victim filing a complaint while in detention risks retaliation, in the form of physical punishment and psychological abuse.

Moreover, women are forced to conduct non-voluntary labour. Women work long hours, six days per week, on tasks such as sewing and ironing. Aside from the demanding work schedule, women are obliged to do maintenance tasks, such as cleaning or working in the kitchen. Detainees are left little time for personal activities, such as writing letters or reading. Even the few letters they are allowed to send and rare calls they make go under supervision. The prison staff reads all correspondence and calls are often listened to. Prison administration can arbitrarily limit the correspondence of women in detention, and there are no effective mechanisms to challenge the actions of the administration.

#### *Case of Ms. Maria Kalesnikava*

Ms. Kalesnikava became a prominent member of the opposition in 2020 and one of the leaders of peaceful protests sparked by the 9 August 2020 contested elections. Later that month, she took part in the establishment of a Coordination Council of pro-democratic forces, meant to engage in dialogue with the authorities on finding solutions to the post-electoral political crisis. On 7 September 2020, she was subjected to enforced disappearance including gender-based violence because of her role as a member of the opposition and in the organization of and participation in peaceful assemblies, a concern that was previously raised by Special Procedures mandate-holders in their communication (BLR 7/2020).

On 9 September 2020, Kalesnikava's father was notified by the police that she had been placed in detention. For a year, in pre-trial detention, Ms. Kalesnikava was denied visitors. On 6 September 2021, Ms. Kalesnikava was convicted of "conspiracy to seize state power in an unconstitutional manner" and "establishing and leading an extremist organization". Her name was added to the "List of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities".

The extremism-related charges fall under article 361-1 (1) of the Criminal Code of Belarus, according to which "the creation of an extremist formation, as well as a formation whose activities are aimed at the rehabilitation of Nazism, or the leadership of such a formation or a structural unit included in it, shall be punished by restriction of freedom for up to five years or imprisonment for a term of three to seven years." The so-called extremism crimes are contained in Chapter 32 under the title "Crimes against the State". The definition of so-called extremist crimes is provided under the amended Law of the Republic of Belarus no.203-Z on Countering Extremism.

The trial was held behind closed doors. Ms. Kalesnikava did not have access to the case files and was deprived of the right to legal representation of choice as several of her lawyers were persecuted and stripped of their practising licenses. She is currently serving an eleven-year prison sentence at the Homiel penal colony.

On 28 November 2022, Ms. Kalesnikava was taken from the “punitive cell” to the intensive care unit at the hospital in Homiel, where she spent a few days incommunicado, a concern that was previously raised by Special Procedures mandate-holders in their communication (BLR 8/2022). Later, her father was informed that she underwent emergency surgery due to a perforated ulcer. After a very short stay at the hospital, she was transferred back to the penal colony where she has no access to proper medical treatment and diet that is necessary for her recovery and management of the health condition obtained in prison.

The last letter from Ms. Kalesnikava was dated 15 February 2023, after which neither her family nor her lawyer were able to get in contact with her. This raises concerns about Ms. Kalesnikava’s well-being as the family can no longer obtain updates on her health.

#### *Case of Ms. Ksenia Lutskina*

Ms. Lutskina, a woman human rights defender and former journalist at Beltelradio company, was detained together with other participants in the “Press Club case” on 22 December 2020. She is currently serving an eight-year imprisonment term at the penal colony in the Homiel region.

She was initially charged with “aiding and abetting tax evasion”. Later, the charges were reclassified as “conspiracy or other actions committed with the aim of seizing state power”, as per article 357 of the Criminal Code of Belarus, of which she was found guilty on 28 September 2022. On 13 January 2023, the Ministry of Internal Affairs added Ms. Lutskina’s name to the “List of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities”.

It is alleged that the conviction was in retaliation for openly disagreeing with the state policies, trying to establish an alternative media channel and having joined the Coordination Council, established by the opposition in August 2020.

In prison, the journalist's health worsened. Reportedly, the brain tumours for which she underwent surgery in 2014 began to grow again, and her bronchial asthma worsened. In February 2023, Ms. Lutskina fell ill with bilateral pneumonia.

#### *Case of Ms. Maria Rabkova*

Woman human rights defender and volunteer coordinator at Human Rights Centre “Viasna”, Ms. Rabkova, was arrested on 17 September 2020. It is alleged that her arrest was in connection to her participation in human rights monitoring and documentation activity following the 9 August 2020 election,

a concern that was previously raised by Special Procedures mandate-holders in their communication (BLR 8/2020). In spite of Ms. Rabkova's poor health condition, the lawyer's complaint against the preventive measure of detention was rejected and she was held two years in pre-trial detention, a concern previously raised by Special Procedures mandate-holders in their communication (BLR 4/2021).

On 6 September 2022, she was convicted under eleven counts, including article 361-1(1) of the Criminal Code of Belarus on creating an extremist formation. She is currently serving a fourteen-years-and-nine-months imprisonment sentence at the penal colony in Homiel. On 16 March 2023, the Ministry of Internal Affairs added Ms. Rabkova to the "List of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities".

It is known that, during her detention, Ms. Rabkova had COVID-19 symptoms, but she was denied access to proper diagnosis and treatment. During the two years in pre-trial detention, Ms. Rabkova's previous health issues in connection to the lymph nodes and thyroid gland seriously deteriorated. Despite constant pain and urgent requests for an investigation, an ultrasound examination was not performed until March 2022. Ms. Rabkova needs urgent medical examination and specialized treatment to avoid irreversible and life-threatening consequences to her health.

#### *Case of Ms. Viktoryia Kulsha*

Ms. Kulsha, human rights defender and former administrator of the "Drivers 97%" Telegram channel and chat room, was arrested on 4 November 2020 by police officers of the Main Directorate for Combating Organized Crime. She is currently serving a four-and-a-half-year imprisonment term at penal colony no.24 in the Homiel region.

Her prison sentence has steadily increased from an initial two-and-a-half-year conviction delivered in February 2021 for "organization and preparation of actions that grossly violate public order", under article 342(1) and (2) of the Criminal Code of Belarus. Two more years were added on 14 June 2022 and 7 April 2023, upon court conviction for "malicious disobedience to the legal requirements of the colony administration", under article 411(1) of the Criminal Code of Belarus. The acts of disobedience for which the two additional years were added included: "going to the toilet without warning", "being rude to the staff of the correctional facility", "wearing her coat unbuttoned", "failing to stand up, salute and identify herself when the cell door was opened".

While serving her sentence at the Homiel penal colony, Ms. Kulsha spent a total of six months in the "cell type" facility. She is reportedly deprived of access to letters even from relatives, as a form of psychological pressure. She complained of the use of physical force by colony staff and the subsequent worsening of her health. She was forced on a hunger strike to protest against her ill-treatment in detention and in the hope of a transfer to the hospital for more "humane conditions".

*Case of Ms. Antonina Kanavalova*

Activist of the “Country for Life” movement, Ms. Kanavalova, was openly supporting the opposition candidate Sviatlana Tsikhanouskaya in the presidential election which took place on 9 August 2020. Ms. Kanavalova was detained on 6 September 2020 and her whereabouts remained unknown for several days. Reportedly, she was at first detained in the technical room of a police station in Minsk and later transferred to the Akrestina detention centre, where relatives were able to locate her.

Her case was brought before the court, and she was awarded a fine of 40 base income rate units, which approximately amounts to USD 45, for participation in an unauthorized mass gathering, as an administrative offence under article 19.1 of the Code of Administrative Offences. However, after the trial, the woman was not released, but re-detained as part of the so-called criminal case against the Telegram channel “Army with the People” under charges of instructing or otherwise preparing persons to participate in mass riots, participation, financing, or other material support of such activities (article 293 (3) of the Criminal Code of Belarus). On 7 May 2021, the Minsk Regional Court sentenced both Ms. Kanavalova and her husband, [REDACTED], to five and a half years in prison, each.

Based on this court verdict, on 24 May 2022, the State Security Committee of the Republic of Belarus added Ms. Kanavalova to the list of persons “involved in terrorist activities” as per the Belarusian Law No.165-Z of 30 June 2014 on the Measures for Prevention of Legalization of Proceeds from Crime, the Financing of Terrorist Activities and the Financing of the Proliferation of Weapons of Mass Destruction. For a long time, only citizens of foreign countries have been included in the list, mainly based on the Consolidated List of the United Nations Security Council Committee adopted by relevant resolutions. At the end of 2020, citizens of the Republic of Belarus were included in the list for the first time, and since then their number has constantly been increasing.

Ms. Kanavalova has been reportedly subjected to inhuman and degrading treatment, including during her transfer from the pre-detention facility in Minsk to the penal colony in Homiel, which are located several hours apart. However, Ms. Kanavalova, was loaded into a small metal compartment of the prison car on 26 July 2021 and kept on the road for three days without sanitation, ventilation, water and food or any first-aid medication, while sick with COVID-19 and high fever. The car arrived in Homiel on 29 July 2021.

In detention, Ms. Kanavalova’s eyesight and health have deteriorated due to the harsh conditions of detention, including lack of weather-appropriate clothing and poor nutrition, and conditions of non-voluntary work which pose a direct threat to her health. Ms. Kanavalova’s request for new glasses customed to her deteriorating visual impairment has been denied. It is believed that Ms. Kanavalova has suffered three COVID-19 infections, but she was never properly diagnosed or treated. She has no access to medical examination or medication.

Her family is allowed a maximum of three one-day visits to the colony, each year. The contact with her two minor children is limited to one 3 to 5 min call every month.

*Case of Ms. [REDACTED]*

Belarusian human rights defender, Ms. [REDACTED] focused her work on human rights violations resulting from the “anti-extremist” legislation in Belarus, the protection of foreign citizens and stateless persons in Belarus, and human rights education.

She is currently in pre-trial detention after having served four 15-day administrative terms since September 2022. There are serious concerns for her safety and well-being following reports that she has been subjected to torture or other ill-treatment, a concern that was previously raised by Special Procedures mandate-holders in their communication (BLR 7/2022).

On 7 September 2022, Ms. [REDACTED] was detained for 15 days under “petty hooliganism” charges, a violation under article 19.1 of the Code of Administrative Offences. On 22 September, the Frunzenski District Court of Minsk sentenced her to another fifteen-day term in detention under the same charges. During her detention Ms. [REDACTED] was denied access to her lawyer and refused necessary medical treatment and basic necessities, including warm clothes and drinking water. She was released on 6 October, after serving her sentence.

On 28 October 2022, [REDACTED] was again arbitrarily detained in Minsk and on 31 October sentenced to 15 days in detention under the same charges of “petty hooliganism”. Shortly after her arrest on 28 October, a “confession video” featuring [REDACTED] appeared on a Telegram channel. Reportedly the Main Directorate for Combating Organized Crime and Corruption of the Belarusian Ministry of Internal Affairs has repeatedly extracted such video “confessions” under torture and other ill-treatment or duress against government critics and activists.

[REDACTED] was not released after serving her fifteen-day detention on 14 November and new accusations of “petty hooliganism” were brought against her. During the online hearing, [REDACTED] reported that she had been tortured with electric shock during questioning and that she was left for eight hours in the detention centre’s courtyard without outerwear. She fell ill because of the cold temperatures. The Akrestina detention centre authorities prevented the delivery of packages with first-aid medicines, personal hygiene products and warm clothes to Ms. [REDACTED]

On 24 December 2022, Ms. [REDACTED] was charged under articles 342(1) of the Criminal Code on the “organization and preparation of actions that grossly violate public order, or active participation in them” and article 130(3) of the Criminal Code on “inciting racial, national, religious or other social enmity or discord”. The basis for these accusations is reportedly connected to her human rights work, including scrutiny of police activities, which the prosecution has qualified as “inciting enmity” against police officers as “a professional group”, an “extremism” related charge.

After the imposition of criminal charges, Ms. [REDACTED] was moved from Akrestina detention center to Volodarskogo Pre-trial Detention Center. Although the conditions in Volodarskogo Detention Center are reportedly better, for instance, Ms. [REDACTED] has access to a shower for the first time in 63 days, she continues to experience degrading conditions in detention, a ban on correspondence, and inability to keep a vegan based diet as per her personal convictions.

She continues to be deprived of medical assistance. When in February 2023, Ms. [REDACTED] requested emergency medical assistance, the pre-trial detention centre's administration and the Investigative Committee handling her case refused to allow her access to a dentist.

#### *Case of Ms. Volha Zalatar*

The civic activist, human rights defender and mother of four children, Ms. Zalatar, was an observer in the 2020 presidential election. Ms. Zalatar was detained on 18 March 2021 by officers of the Main Directorate for Combating Organized Crime and Corruption. The press service of the Minsk regional police reported that Ms. Zalatar was detained for her "active protest activity", as she organized unauthorized mass events: tea parties, walks, and concerts. Ms. Zalatar exercised these activities in a peaceful manner, and posed no threat to national or public security, public order, the health and morals of the population, and the rights and freedoms of others.

On 29 March 2021, Ms. Zalatar was charged with "creating an extremist formation or leading such a formation or a structural unit within it", under Article 361-1(1) of the Criminal Code of Belarus. On 3 December 2021, she was sentenced to four years in prison. Ms. Zalatar pleaded not guilty and stated in court that she had been beaten after her detention. The Investigative Committee denied an investigation into her complaints. On 11 March 2022, the Supreme Court upheld the verdict.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are seriously concerned at the general conditions of detention in the female penal colonies in Belarus and the reported discriminatory mistreatment of women convicted on politically motivated charges.

We are gravely concerned at allegations referring to the status in which the women are being detained on politically motivated charges, which either individually or cumulatively would amount to torture or another form of cruel, inhuman or degrading treatment or punishment, denial of access to independent medical and health care professionals to assess and document their health condition and the serious consequences and, in a number of cases, irreversible harm on their mental and physical health. We are very concerned about the lack of transparency in the Belarus prison system and the denial of access by independent human rights monitors to identify and prevent human rights violations and conditions of detention in Belarus prisons.

In connection to this, we would like to remind your Excellency's Government of obligations binding on Belarus under international human rights treaties.



States should guarantee the right to the highest attainable standard of physical and mental health as per article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Belarus on 12 November 1973. This includes access to an independent and confidential medical examination to all persons deprived of liberty.

We wish to also raise concerns regarding the right to life guaranteed under article 6 of the International Covenant on Civil and Political Rights. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. A heightened duty to protect the right to life also applies to individuals in liberty-restricting State-run facilities, such as mental health facilities (Human Rights Committee, general comment no. 36). In this regard, these allegations seem to contravene articles 12 and 2.2 of the International Covenant on Economic Social and Cultural Rights, also ratified on 12 November 1973, which establishes an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (Committee on Economic, Social and Cultural Rights (CESCR), general comment no. 14, para. 34).

In addition, access to independent medical professionals is essential for detecting and documenting signs of torture, cruel or inhuman treatment, preventing further harm and providing healthcare for restoring and repairing the harm suffered by victims of human rights violations in state custody.

We would like to remind your Excellency's government that torture or cruel, inhuman or degrading treatment or punishment, is prohibited under article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, ratified by Belarus on 12 November 1973, and articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Belarus on 13 March 1987. We would like to underline the provisions of article 10 of the International Covenant on Civil and Political Rights, guaranteeing that all persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person.

In addition, we would like to underline the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9). We further recall that detention conditions and treatment should always comply with international standards, in particular, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), taking into account any personal vulnerability due to factors such as medical condition, among others.

In this regard, we wish to bring the attention of your Excellency's Government to rule 24 which states that the provision of health care for prisoners is a State responsibility, free of charge, without discrimination and at the same level as the health care services provided in the community. Rule 27 provides that prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Furthermore, rule 58 (b) provides that prisoners shall be allowed to communicate with their family, at regular intervals, by receiving visits

and rule 69 provides that individuals designed by a prisoner to receive his or her information shall be notified by the director of the prisoner's serious illness or transfer to a health institution, among others.

Rule 46 stresses that health-care personnel shall “pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff” and that “[h]ealth-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.” We also draw the attention that under the Mandela Rules solitary confinement of longer than 22 hours per day, or continuously 15 days constitutes prohibited conduct per the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, even when applied as disciplinary sanctions or restrictive measures.

Noting that the victims have been charged with offences such as “conspiracy to seize state power in an unconstitutional manner” and “establishing and leading an extremist organization”, we would like to remind your Excellency's Government that the anti-terrorism and extremist legal framework of Belarus have been the subject of previous communications sent by Special Procedures. These include the communications sent on date 3 March 2021 (BLR 2/2021) and 23 May 2022 (BLR 3/2022) which raised concerns about the vague definition and discriminatory application of these criminal provisions targeting citizens for the mere exercise of their human rights and freedoms, including peaceful assembly and freedom of opinion and expression in connection to the contested Presidential elections of August 2020.

We recall that the “principle of legal certainty” under international law, enshrined in article 9(1) International Covenant on Civil and Political Rights and article 11 of the Universal Declaration of Human Rights, requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offense and what would be the consequence of committing such an offense. States must ensure that counter-terrorism legislation is limited to criminalizing properly and precisely defined conduct based on the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity, and proportionality.

We also wish to call on your Excellency's Government on the need to bring the Belarusian Law on Countering Extremism and the related Criminal Code provisions in compliance with the international human rights law standards in light of the human rights violations it produces in the name of preventing so-called “extremism”. A range of behaviours that are legitimate and necessary in rights-based societies, such as peaceful participation in protests, fall within the scope of the law on countering “extremism”, in breach of article 21 of the International Covenant on Civil and Political Rights. In the same vein, we are concerned by the broad classification of various forms of speech and expression as acts of “extremism”, such as defamatory and offending expressions in the address of a public authority or persons on official duty, as well as discrediting public institutions or the international reputation of Belarus. We would like to remind your Excellency's Government that the legitimate exercise of freedom of expression is protected under article 19 of the International

## Covenant on Civil and Political Rights.

We are also concerned about the deliberate targeting of journalists, in particular women journalists, through arbitrary criminal proceedings launched against them for critical reporting about public affairs. In her media freedom report, the Special Rapporteur for freedom of expression expressed concerns about the criminalization of journalism through restrictive laws and called on all states to repeal criminal defamation laws and other restrictive laws that criminalize criticism of State institutions and officials.

We express great concern about the deliberate targeting of women human rights defenders, political activists and journalists and the discrediting and criminalization of their legitimate work. We would like to mention to your Excellency's Government that the Working Group on discrimination against women and girls, in its report on participation in public life (A/HRC/23/50) stated that women human rights defenders are often the target of gender-specific violence such as intimidation, attacks, and death threats. The Working Group has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in political and public life. We would like to further bring to the attention of your Excellency's Government that the Working Group on discrimination against women and girls, in its report on Girls' and young women's activism (A/HRC/50/25) recognized how they are often surveilled, targeted and subjected to violence and has called upon the states to set up an enabling environment for young women's and girls' activism.

The Working Group on discrimination against women and girls also noted in its thematic report on women deprived of their liberty (A/HRC/41/33) that deprivation of liberty is deeply linked to gender and that women experiencing intersectional forms of discrimination are more vulnerable to discriminatory norms and practices. The Working Group underlined that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism, and are likely to be subject to criminal prosecution and imprisonment. It recommended that States support women's participation in public and political life and eliminate any laws or policy measures aimed at criminalizing women's public role.

We also wish to draw your attention to General Assembly resolution 68/181, in which a particular concern about systemic and structural discrimination and violence faced by women human rights defenders was expressed. It was agreed that the States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights, including the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders.

Furthermore, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and

realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right (International Covenant on Civil and Political Rights, article 22 (2)).

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the health situation of Ms. Maria Kalesnikava, Ms. Ksenia Lutskina, Ms. Maria Rabkova, Ms. Kanovalova Antonina, Ms. [REDACTED] Ms. Volha Zalatar and Ms. [REDACTED] and explain why these women in detention are not allowed access to independent medical examinations and what has been done to ensure access to adequate medical treatment, including respect for critical dietary needs.
3. Please provide information as to the legal and factual basis for the arrest, detention and prosecution of Ms. Maria Kalesnikava, Ms. Ksenia Lutskina, Ms. Maria Rabkova, Ms. Kanovalova Antonina, Ms. [REDACTED] Ms. Volha Zalatar and Ms. [REDACTED]. Please clarify whether safeguards were put in place to ensure a fair trial and due process standards, including access to lawyers and how they were effectively implemented with respect to the defendants.
4. Please provide detailed information on the extremism and terrorism-related charges against the accused. Please explain how their conviction respected the principles of legality, necessity,

proportionality and non-discrimination.

5. Please indicate what measures have been taken to prevent and protect these women in detention against any form of treatment that may amount to torture or other cruel, inhumane, degrading treatment or punishment.
6. Please clarify whether any investigation was launched into the allegations of torture and other cruel, inhuman or degrading treatment or punishment and their results, particularly in terms of accountability. Please explain whether any such investigation was conducted in compliance with international standards, including the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition). If no investigation was conducted, please explain why.
7. Please provide information on the access of families and lawyers to visit these women in detention and ensure confidential conversations and exchange of correspondence at regular intervals.
8. Please indicate what measures have been taken to ensure that human rights defenders, namely woman human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.
9. Please explain what complaint mechanisms are available to women in detention in order to bring grievances about their prison conditions to the attention of the authorities and indicate what follow-up mechanisms are in place.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Matthew Gillett  
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Anaïs Marin  
Special Rapporteur on the situation of human rights in Belarus

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Fionnuala Ní Aoláin  
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck  
Chair-Rapporteur of the Working Group on discrimination against women and girls