

Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls

Ref.: AL BLR 7/2024
(Please use this reference in your reply)

24 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 55/27, 52/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **gender-based violence and other forms of cruel, inhuman or degrading treatment of women inmates in Akrestsina (Okrestino) offender isolation centre, Zhodina (Zhodino) No. 8 detention centre, Vitsyebsk pre-trial detention centre and the women's correctional colonies No. 4 in Homyel (Gomel) and No. 24 in Zarechye, Homyel (Gomel) region.**

We would like to respectfully recall that over the past two years, several communications have been addressed to your Excellency's Government about alleged ill-treatment of women in the Akrestsina isolation centre and in the women's correctional colonies Nos. 4 and 24 ([BLR 3/2023](#) of 27 April 2023; [BLR 12/2023](#) of 5 December 2023; [BLR 11/2023](#) of 6 December 2023; [BLR 10/2023](#) of 15 December 2023, [BLR 5/2024](#) of 13 June 2024). We regret that to date, no response has been provided to communications BLR 3/2023, BLR 10/2023, BLR 11/2023 and BLR 12/2023 and that the [response](#) provided on 8 August 2024 to communication BLR 5/2024 does not address the allegations of ill-treatment of women inmates brought to the attention to your Excellency's Government.

We are deeply alarmed at the following new allegations received regarding ill-treatment of female inmates.

According to the information received:

Poor conditions of detention, lack of access to medical care and intentional ill-treatment of inmates

Female inmates held in pre-trial detention centers and in the women's correctional colonies No. 4 and 24 are systematically submitted to inappropriate detention conditions and intentional ill-treatment. Reported shortcomings and abuses include lack of proper hygiene and sanitary products; lack of warm clothes; lack of access to prompt and adequate medical care, including gynaecological examinations, psychological care and painkillers in case of menstrual pains; forced physical labour notwithstanding health conditions; strip searches, including by male staff, even on menstrual days; lack of privacy in toilets, including entries by male staff; verbal and

psychological abuse by members of penitentiary administrations; inter-prisoner violence incited and tolerated by penitentiary staff; submission of women inmates to harsh disciplinary sanctions which endanger their physical and mental health as a punishment for minor transgressions of penitentiary rules or on made-up grounds; and deprivation of women inmates of communication with the outside world, including depriving mothers of communication with their children.

Ill-treatment of women in the correctional colony No. 4

Reports have been received according to which in the women's correctional colony No. 4, the gynaecologist only meets inmates once, upon their arrival, to perform smear tests and to prescribe the same type of anti-swelling medicine to everyone.

Each inmate in the colony is only provided with 10 sanitary pads and a few sheets of toilet paper once per month. Menstrual pains are not considered as a reason for exemption from physical labour. Refusal by an inmate to work without a medical certificate would result in a disciplinary punishment. Painkillers are only distributed on medical prescription, but it is difficult to obtain one due to delays in scheduling a medical appointment. Prescribed pills are distributed twice per day, one at a time, in the morning and in the evening. In practice, however, inmates can only obtain one pill per day because they are too busy with compulsory labour activities and do not have a possibility to return to receive a second pill.

The toilets at the factory where inmates work are never cleaned and are in poor sanitary condition, covered with vomit and excrements and filled with strong, foul odors. The doors cannot be locked. The penitentiary staff, including male staff, sometimes walk in while the inmates are naked. The windows in the toilet do not have any curtains. There is a locksmith's shed in front of the bathroom, in front of which men gather every 15 minutes to smoke. They can observe naked inmates through the window.

The hygiene is also poor in the residential area. Inmates without specific privileges can only wash once per week, including when they have periods. They are given a maximum of 15 minutes each, including time to undress and dress, even in winter. There are only four sinks for over 90 persons to wash their hands.

Clothes distributed to inmates are not enough to keep them warm in cold seasons. For example, they are given leather shoes, which do not have any lining or insoles. In winter, these shoes do not keep the feet warm and shrink due to low temperatures, hurting the feet.

Mr. [REDACTED] an operative officer, has frequently ill-treated inmates. He has deprived prisoners of packages and forbidden the medical staff from delivering medicines to them. He and two other officers, [REDACTED] and [REDACTED] (deputy chief of operations), have entered female bathrooms while they were occupied by inmates and have submitted inmates to psychological ill-treatment. He wrote reports about made-up disciplinary transgressions, resulting in inmates'

placements in “punitive isolation cells” (SHIZO).

Three other members of the penitentiary administration, Mr. [REDACTED] (chief operating officer), Mr. [REDACTED] (former deputy colony director, recently promoted to the position of the colony director) and Mr. [REDACTED] (former deputy chief of operations, promoted to the position of on-duty assistant to the colony director) have been ordering some inmates to maltreat others and have forbidden medical staff to deliver medicines to inmates.

Some inmates are locked into a “shame cage” as a punishment for disciplinary transgressions. This form of punishment is not included in the exhaustive list of disciplinary punishments under article 112 of the Penal Execution Code and is therefore illegal. The rectangular cage with metal bars, one and a half meters long and some two meters wide, is located between the residential and industrial areas, in front of the factory gate. It is visible from the residential area but is not visible from the main entrance and from the industrial area. Therefore, it is not seen by inspectors of the Department of the Execution of Punishments (DIN) of the Ministry of the Interior. However, DIN staff are likely aware of the cage’s existence as some of them previously worked in the colony. Detainees are placed into the cage in any weather, for one to four hours. They are exposed to other inmates passing by and are sneered at by the penitentiary staff walking around. There is no chair in the cage and the inmates placed into it are only allowed to stand. Those who stay in the cage until nightfall skip their dinner. In most cases, the placement into the cage is followed by a transferal into a “punitive isolation cell” (SHIZO). The placement into the cage can be applied as a punishment for various acts considered as transgressions to penitentiary rules, such as a fight, disagreement with the penitentiary administration, refusal to work, a nervous breakdown or sewing a button improperly.

Specific cases of ill-treatment

Ms. **Darya Afanasyeva**, a feminist activist and blogger, was convicted under article 342 of the Criminal Code (organization and preparation of actions that grossly violate public order or active participation therein). She was deprived of liberty between 28 December 2021 and 30 March 2024, including in the women’s correctional colony No. 4 in Homyel between 26 June 2022 and 30 March 2024. While in detention, she started experiencing strong menstrual pains but was denied painkillers. In order to access those in the colony, she would need a prescription from a medical practitioner, with whom it was only possible to make an appointment a week in advance. She was forced to perform physical labour, such as unloading sacks of potatoes from a truck and cleaning, notwithstanding severe menstrual pains.

Ms. **Natallia Kukishava** was convicted under article 368 of the Criminal Code (insulting the President of the Republic of Belarus). She was deprived of liberty between 30 September 2021 and 15 March 2023.

Prior to her conviction, she was first detained for about ten days in Akrestsina offender isolation centre. Together with other 15 women, she was placed into a double-occupancy cell. Due to the overcrowding, the detainees had to sleep on

the cold floor. As a result, many of them developed cystitis. In addition, all the inmates contracted a respiratory disease in the midst of the COVID-19 pandemic. They were not tested, were only once visited by a medical practitioner and did not receive any treatment.

Ms. Kukishava was then transferred for two months to Zhodina No. 8 detention centre. Fourteen women were detained in a cell intended for eight inmates. The inmates had to share single bunk beds, two persons per bunk. Due to the lack of space, one of the inmates fell off an upper bunk. The inmates had to go to bed at 10 p.m. and to get up at 6 a.m. At night, they were awakened twice for a report, at midnight and at 3 a.m. They were not allowed to sleep during daytime. Only half-a-mug of hot water was delivered twice per day for personal hygiene. No change underwear was given to Ms. Kukishava throughout her two-month stay in Zhodina No. 8. No medical practitioner visited her and other detainees for the first two-three weeks upon their arrival to the detention centre. After that, occasional visits by a paramedic followed.

Following her detention in Zhodina No. 8 centre, she spent a year in Vitsyebsk pre-trial detention centre. Female detainees underwent strip searches by female personnel. In addition, cameras were installed in cells allowing for male personnel to watch them.

Access to medical assistance in both Zhodina No. 8 and Vitsyebsk pre-trial detention centres was limited. In case of menstrual pains, the only way to obtain painkillers was by submitting a request at 8 am for a medical doctor's visit, in order to request a prescription. Anyone not affected by serious diseases could not count on a quick visit by a paramedic.

On 15 November 2022, two and a half months following her conviction, Ms. Kukishava was transferred to the women's correctional colony No. 4 in Homyel. Access to medical assistance was even more restricted there than in the pre-trial detention centres. Inmates could wait for months to obtain a medical appointment. Because of this and the slowness of postal communication in the colony, it took Ms. Kukishava two months to collect medical proofs that the compulsory physical labour she was submitted to in the colony (cleaning snow and puddles) was incompatible with her health condition. Only then was she able to obtain medical exemption from labour.

Ms. **Viktoriya Kulsha** is currently imprisoned in the women's correctional colony No. 24. During her manual medical examination while in detention, [REDACTED] was noted. She is also experiencing [REDACTED]. Despite her requests, she has not been referred for further medical evaluation.

Ms. **Volha Mayorava**, deprived of liberty since 4 January 2021, is serving a prison sentence in the correctional colony No. 24. According to information [provided](#) by your Excellency's Government on 8 August 2024, during her stay in the correctional colony No. 24, Ms. Mayorava has only sent one letter and has not receive any letter or package.

According to reports received, Ms. Mayorava was previously detained in the correctional colony No. 4, where she submitted a dozen of requests for phone calls, videocalls and meetings with her son, but none of her requests has been

signed for approval by the penitentiary administration. Packages addressed to her were not delivered. Upon her imprisonment, she suffered a chronic respiratory disease. Because all her personal belongings were taken away by the penitentiary administration and no warm clothes were provided to her, she was serving her sentence barely dressed, with naked legs, even in winter. She was repeatedly transferred to a “punitive isolation cell” (SHIZO), where it was extremely cold. She had a strong cough, and her complexion took on an earthy colour. Rumors are spreading that she may be suffering [REDACTED]

Ms. **Mia Mitkevich** was convicted under article 130 of the Criminal Code (incitement to hatred). She was deprived of liberty between 19 January 2021 and 11 October 2023. Between 22 August 2021 and 11 October 2023, she served her sentence in the women’s correctional colony No. 4 in Homyel.

During her detention in the correctional colony, her gynaecological health deteriorated significantly. At the moment of her arrest, she had minor gynaecological issues, which required oversight and regular treatment, avoiding exposure to cold temperatures and lifting heavy objects. Despite her having informed the colony’s medical staff of her condition, she did not undergo any gynaecological examination, except for a smear test performed upon the admission to the colony. She was not exempted from work. To the contrary, she was forced to do hard physical labour, such as cleaning the yard and carrying heavy sacks filled with snow. In winter, her shoes became wet from snow, and she had to wear the cold wet shoes throughout the day.

Ms. Mitkevich also developed strong menstrual pains while in the colony but was not given painkillers. She had to rely on her family to provide her proper sanitary pads in sufficient quantity. Because of the hectic schedule and constant labour activities in the colony, she only had an opportunity to change her sanitary pad twice a day, early in the morning and in the evening. Time given for personal hygiene was so limited that on menstrual days, she had to skip a morning coffee in order to have time to change a pad. At daytime, she was only allowed to visit the factory toilet for extremely short periods, for about 30 seconds.

In conspiracy with the penitentiary administration, other inmates poured cold water on Ms. Mitkevich when she slept, filled her shoes with cold water, threw used hygienic pads into her personal affairs, spoiled her food, pushed her and, on one occasion, stole her prison jacket, preventing her from going outside because she was not dressed according to the rules. She was frequently deprived of packages and of a possibility to communicate with her family. Only some of her mother’s letters were delivered to her.

On one occasion, Mr. [REDACTED] [REDACTED] [REDACTED] strip-searched Ms. Mitkevich and another inmate notwithstanding Ms. Mitskevich having her period on that day. She had to fully undress and take off her sanitary pad.

On two occasions, Ms. Mitkevich was placed into “a punitive isolation cell” (SHIZO), both times based on made-up reports. On one occasion, she was falsely accused by a member of the penitentiary administration of threatening someone in the toilet and, on the other occasion, she was accused of having thrown away a fish and having screamed. This latter calumnious report was

written by Ms. [REDACTED] prison squad leader. A couple of weeks after this incident, Ms. [REDACTED] received a promotion.

One of her placements into a SHIZO was preceded by her placement into the “shame cage” (see above), where she spent about an hour. She was punished for a made-up disciplinary transgression, likely in retaliation for having confidentially complained about the widespread ill-treatment in the colony to inspectors from the prosecutor’s office.

Ms. **Palina Sharenda-Panasiuk** has been deprived of liberty since 3 January 2021. Over this time, she has served a sentence under articles 364 (violence or threat of violence against an employee of the internal affairs bodies), 368 (insulting the President), 369 (insulting a public official) of the Criminal Code and two sentences under article 411 (malicious disobedience to the penitentiary administration) of the Criminal Code. Currently, she is detained in SIZO No. 3 of Homyel awaiting her third trial under article 411 of the Criminal Code. For almost four years of her deprivation of liberty, she has not been allowed a single telephone or video call and has not talked to her minor children.

Ms. [REDACTED], deprived of liberty since 10 June 2023 and prosecuted under article 367 (slander against the President of the Republic of Belarus) of the Criminal Code, is serving a 2-year sentence in the correctional colony No. 4. She is experiencing gynaecological issues due to prior complications during a pregnancy but is not receiving proper gynaecological care. She has not been provided with warm clothes and lacks money to buy some. She is a divorced mother of two minor children and has no other close relatives. Throughout her deprivation of liberty, she has not had any contact with the outside world. She asked a penitentiary officer to be allowed to exchange letters with a work colleague, to have some moral support, but he violently swore at her in return. As a result, she suffered a nervous breakdown and was locked up for two days in a “secure room”, intended for inmates at risk of suicide.

Without prejudging the accuracy of these allegations, we would like to express our deep concern about the alleged gender-based violence and ill-treatment of women in Akrestsina offender isolation centre, Zhodina No. 8 detention centre, Vitsyebsk pre-trial detention centre and the women’s correctional colonies Nos. 4 and 24. **These allegations, together with those transmitted to your Excellency’s Government in previous communications, raise concerns about possible widespread and systematic nature of gender-based violence and other ill-treatment of women in places of deprivation of liberty in Belarus.**

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 ensure prompt, effective, independent and transparent investigations into the allegations of gender-based violence and other ill-treatment of women in pre-trial detention centres and in correctional colonies, as described in the present communication and in the communications BLR 3/2023, BLR 10/2023, BLR 11/2023, BLR 12/2023 and BLR 5/2024. Please share information about the outcomes of these investigations and, if relevant, about the measures taken to put an end to the abuses and sanction the perpetrators.
3. Please ensure prompt access of Ms. Viktoriya Kulsha, detained in the women's correctional colony No. 24, to thorough gynaecological examination. Please provide information about her health condition.
4. Please ensure prompt access of Ms. Volha Mayorava, detained in the women's correctional colony No. 24, to thorough medical examination and provide her with warm clothing. Please ensure that she can communicate with her family members without undue restrictions, using the preferred methods allowed under domestic legislation, including phone and video calls, including phone and video calls. Please ensure that she has access to necessary medical, including psychological, care. Please provide information about her health condition.
5. Please ensure without delay that Ms. Palina Sharenda-Panasiuk, detained in SIZO No. 3 of Homyel, can communicate with her children and other family members without undue restrictions, using the preferred methods allowed under domestic legislation, including phone and video calls. Please ensure that she has access to necessary medical, including psychological, care. Please provide information about her health condition.
6. Please ensure prompt access of Ms. [REDACTED], detained in the women's correctional colony No. 4, to gynaecological and psychological care. Please ensure that she is provided with warm clothes and have a possibility to communicate with the outside world, including with her children, without undue restrictions, using the preferred methods allowed under domestic legislation, including phone and video calls, including phone and video calls. Please provide information about her health condition.
7. Please provide information about the existing monitoring and complaints mechanisms aimed at preventing and sanctioning ill-treatment of female inmates by the staff of pre-trial detention centres and correctional colonies. Please indicate which protection measures are put in place in order to address the risk of retaliation against inmates who use such complaints mechanisms.
8. Please provide information about the measures taken by your Excellency's government to prevent, investigate and sanction the

alleged mutual cover-ups among the staff of correctional colonies, the Department of the Execution of Punishments and the prosecutor's office, resulting in impunity for ill-treatment of women in detention.

9. Please provide information about the applicable legal framework and the measures taken to ensure that women detained in pre-trial detention centres and in correctional colonies receive proper gynaecological oversight and assistance, are provided with necessary sanitary products in sufficient quantity, can have quick and easy access to painkillers and are dispensed of physical labour in case of menstrual pains.
10. Please provide information about the applicable legal framework and the measures taken to ensure that imprisoned mothers and their children can maintain contact and personal relations.
11. Please provide information about the measures taken by your Excellency's Government to combat overcrowding and to ensure proper hygiene in places of detention for women.

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.

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.

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

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

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

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following provisions of international human rights law.

Prohibition of torture and other ill-treatment

Torture and cruel, inhuman or degrading treatment or punishment are prohibited under article 5 of the Universal Declaration of Human Rights, article 7 of the ICCPR (ICCPR), 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. Under article 10 of the ICCPR, all persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person.

Articles 7 and 10 of the ICCPR require that “persons deprived of their liberty must not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty”, such as lack of access to appropriate and timely medical care, overcrowded cells and lack of access to facilities for basic hygiene (*Human Rights Committee, Dafnis v. Greece, Views of 19 July 2022, CCPR/C/135/D/3740/2020, para. 8.5; Human Rights Committee, Pichugina v. Belarus, Views of 7 July 2021, CCPR/C/132/D/2711/2015, para. 6.3*).

States must recognize in their domestic law the right to lodge complaints against torture or cruel, inhuman and degrading treatment prohibited by article 7 of the ICCPR and must be investigated promptly and impartially all the complaints lodged (*Human Rights Committee, General comment No. 20, para. 14*).

As per article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Belarus on 12 November 1973, States parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and take steps to achieve the full realization of this right, including those necessary for the creation of conditions which would assure to all medical service and medical attention in the event of sickness. In particular, States are under the obligation to respect the right to health by refraining from denying or limiting equal access for all persons, including prisoners (*CESCR, General Comment No. 14 (2000), para. 34*).

The Basic Principles for the Treatment of Prisoners, adopted without vote by the General Assembly Resolution 45/111 on 14 December 1990, provide that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings (principle 1). Prisoners shall have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

Under rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel,

inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

Under rule 2, the Nelson Mandela Rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion.

According to rule 13, all accommodation provided for the use of prisoners, in particular all sleeping accommodation, shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. Under rule 21, every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Under rule 16, adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate. Under rule 17, all parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Under article 18(1), prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

According to rule 19(1), every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.

Under rule 24(f), 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.

Under rule 31, the physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed.

Under rule 42, general living conditions addressed in the Nelson Mandela Rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

Under rule 58(1), prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits.

We would like to remind your Excellency's Government that the Human Rights Committee has recommended that Belarus strengthen its efforts to improve conditions of detention and the provision of adequate and timely medical care, in accordance with the ICCPR and the Nelson Mandela Rules (*Human Rights Committee, Concluding observations on the fifth periodic report of Belarus (2018), CCPR/C/BLR/CO/5, para. 36 (b)*). The Committee against Torture has recommended that Belarus “[i]mprove access to and the quality of health care, including psychiatric care, for prisoners in all places of deprivation of liberty” and “increase the number of professional medical staff in all detention facilities and ensure their independence and impartiality” (*CAT, Concluding observations on the fifth periodic report of Belarus (2018), CAT/C/BLR/CO/5, para. 22(f)*).

According to article 12, paragraphs 2 and 3 of the UN Declaration on Human Rights Defenders, the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Prohibition of gender-based discrimination and violence

We wish to emphasize the obligation of your Excellency's Government, under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Belarus on 4 February 1981, to protect women against gender-based discrimination and violence as a manifestation of such discrimination, namely, “violence that is directed against a woman because she is a woman or violence that affects women disproportionately”. Gender-based violence includes “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”. Women deprived of their liberty are particularly vulnerable to discrimination through civil and penal laws, regulations and customary law and practices (*CEDAW, General recommendation No. 28, CEDAW/C/GC/28, paras 19, 31*). Gender-based violence takes multiple forms, including acts or omissions intended or likely to cause or result in physical or psychological harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty (*CEDAW, General recommendation No. 35, CEDAW/C/GC/35, para. 14*).

Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women and rule 81 of the Nelson Mandela Rules require specific procedures for the monitoring and guarding of female prisoners and failure to provide special measures for female detainees may violate article 1 of the Convention (*CEDAW/C/49/D/23/2009*). With regards to the continuous use of CCTV cameras, the Human Rights Committee has observed that the “respect for the dignity of [persons deprived of their liberty] must be guaranteed under the same conditions as for that of free persons” (*Human rights Committee, General comment No. 21: article 10, 1992, para. 3*). We also note that the Human Rights Committee has indicated that no interference in the right to privacy of an individual can take place except in cases envisaged by the law, which does not appear to be the case in this situation. Furthermore, interference is arbitrary when it is not reasonable in the particular circumstances, which also appears to be the case in this context (*Human Rights Committee, General comment No. 16: article 17, 1988, para. 3-4*).

Under rule 52(1) of Nelson Mandela Rules, intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison

administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner. Under rule 81(2) and (3), no male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member. Women prisoners shall be attended and supervised only by women staff members.

The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), complementary to the Nelson Mandela Rules, address specific needs of women in detention. We would like to recall that the Committee on the Elimination of Discrimination against Women has recommended that Belarus improve the conditions of detention for women, in line with the Bangkok Rules (*CEDAW/C/BLR/CO/8, para. 45*).

In particular, under rule 5, the accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of women, in particular women who are menstruating.

Rule 6 requires comprehensive health screening of women prisoners, including: a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling; b) Mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm; c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues; d) The existence of drug dependency; and e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

Under rule 10.1, gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners. Under rule 18, preventive health-care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

Under rule 19, effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures. Under rule 20, alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

According to rule 23, disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

According to rule 25(1), women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

Furthermore, article 4(c) of the Declaration on the Elimination of Violence against Women holds that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women.

We would also like to highlight the findings of the Working Group on Discrimination against Women and Girls (*A/HRC/41/33*) that deprivation of liberty is deeply linked to gender. Against the backdrop of unequal power dynamics and systemic discrimination, women are deprived of their liberty, mostly arbitrarily and in a discriminatory fashion, and often in violation of the law and human rights standards. In particular, 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. The Working Group has urged States to support and protect women's engagement in public and political life, including the work of women human rights defenders, and eliminate any measures designed to criminalize the public roles of women (*A/HRC/23/50*). Furthermore, States should ensure that measures addressing conflict, crisis, terrorism, and national security incorporate a women's human rights focus and do not instrumentalize women's deprivation of liberty for the purposes of pursuing government aims. This position is reflected as well in the consideration of the concrete situation of women human rights defenders recently in Belarus (*CEDAW/C/BLR/QPR/9, paras. 9 and 10*).

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

The right of children to maintain personal relations with their parents

Under article 9 of the Convention on the Rights of the Child, States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child (paragraph 1). States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests (paragraph 3). Where such separation results from any action initiated by a State Party, such imprisonment, of one or both parents or of the child, the State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child (paragraph 4).