

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 human rights and fundamental freedoms while countering terrorism; 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.: UA BLR 7/2025

(Please use this reference in your reply)

8 September 2025

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 human rights and fundamental freedoms while countering terrorism; 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 51/8, 58/19, 58/14, 52/7 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **restrictions imposed on communications between Ms. Alena Lazarchyk and Ms. Lubov Valiuk, detained single mothers, and their children.**

According to the information received:

Ms. Alena Lazarchyk and Ms. Lubov Valiuk are detained single mothers of underage children.

Ms. **Alena Lazarchyk**, deprived of liberty since 30 December 2021, was initially convicted to 8 years of imprisonment under charges of participating in group actions that grossly violate the public order and disobedience to the authorities (article 342(1) of the Criminal Code), insulting the President of the Republic of Belarus (article 368 of the Criminal Code), creation of an extremist formation, or participation therein (article 361-1 of the Criminal Code) and incitement to hatred (article 130 of the Criminal Code). In 2025, she was sentenced to an additional 18 months of imprisonment under article 411 of the Criminal Code for 'malicious disobedience to penitentiary administration'.

Ms. Lazarchyk is a single mother of a child born in December 2013. The child's father died while she was in custody. Ms. Lazarchyk's communication with her child has been arbitrarily restricted throughout her deprivation of liberty. Currently, she is only allowed to exchange with her family in writing. Letters from her arrive every one or two months.

Ms. **Lubov Valiuk** was detained on 31 October 2024 during a mass raid by security forces across the country. She is facing criminal charges under article 361-1 of the Criminal Code (creation of an extremist formation, or participation therein). She is a single mother of a child born in November 2018. She is only allowed to communicate with her child in writing. Letters from her

arrive once in three months.

Without prejudging the accuracy of these allegations, we would like to express **our concern about the alleged arbitrary restrictions imposed on communication of Ms. Lazarchyk and Ms. Valiuk with their children.** We would like to recall that on 23 October 2024, we transmitted to your Excellency's Government allegations about undue restrictions imposed on Ms. Lazarchyk's communication with her family and legal counsel, deterioration of her health and her frequent submission to harsh disciplinary measures ([BLR 6/2024](#)). We regret that none of these allegations was addressed in the [response](#) provided by your Excellency's Government on 20 December 2024 and that, according to the new information received, Ms. Lazarchyk continues to face arbitrary restrictions on communication with her family, including her underage child.

Furthermore, **we are preoccupied about the alleged conviction of Ms. Lazarchyk under article 411 of the Criminal Code ('malicious disobedience to penitentiary administration')**. We have repeatedly raised concerns with your Excellency's Government about prison term extensions based on this provision. According to multiple consistent reports, penitentiary administrations frequently impose disciplinary punishments for petty or fabricated violations of strict prison rules as a form of intentional ill-treatment of inmates, deliberately targeting certain individuals in order to secure additional prison sentences against them for 'malicious disobedience'. There are serious concerns that convictions under article 411 of the Criminal Code, which rely on reports of penitentiary administrations, are based on spurious charges and are in violation of article 14(7) of the International Covenant on Civil and Political (ICCPR), ratified by Belarus on 12 November 1973, which prohibits repeated trial and punishment for an offence for which the person has been finally convicted ([BLR 8/2023](#), [BLR 5/2024](#), [BLR 6/2024](#), [BLR 2/2025](#), [BLR 3/2025](#)). The Special Rapporteur on the situation of human rights in Belarus has called on your Excellency's Government to repeal article 411 of the Criminal Code and free and rehabilitate all individuals convicted under that provision ([A/HRC/59/59](#), para. 88(i)).

With regard to the allegations received, we remind your Excellency's Government of the following applicable international standards.

Women prisoners

We wish to emphasize the obligations 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, and under articles 7 and 10 of the ICCPR and articles 1 and 16 of the United Nations Convention Against Torture (UNCAT), ratified by Belarus on 13 March 1987. Gender-based violence is a form of discrimination against women which includes 'acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty' (Committee on the Elimination of Discrimination against Women, [general recommendations](#) Nos. 19 and 35).

We would also like to recall the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok

Rules). Under rule 23, '*[d]isciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children*'. Under rule 26, '*[w]omen prisoners' contact with their families, including their children, and their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.*' Under rule 28, visits involving extended contact of women prisoners with their children should be encouraged, where possible. Under rule 45, '*[p]rison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.*' Under rule 52(3), '*[a]fter children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.*' Under rule 58, '*women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible.*' Under rule 64, non-custodial sentences for women with dependent children shall be preferred where possible and appropriate.

We would also like to highlight the finding of the Working Group on Discrimination against Women and Girls ([A/HRC/41/33](#)) that deprivation of liberty is deeply linked to gender. The Working Group highlighted the devastating consequences of deprivation of liberty on women's lives and the heightened risk of human rights violations faced in detention by women who experience intersectional forms of discrimination, such as older women ([A/HRC/41/33](#), paras. 74 and 78). It has recommended that measures addressing 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 ([A/HRC/41/33](#), para. 82(b)). We would further like to refer you to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on 'current issues and good practices in prison management' in which she emphasized the special considerations of female detainees, including the serious adverse consequences for a child's development that separation from detained parents has, and the need to prioritize non-custodial sentences for female offenders with children, especially for non-violent crimes ([A/HRC/55/52](#), paras. 64-77).

We recall that multiple communications have been addressed to your Excellency's Government about widespread ill-treatment of women detainees and about the lack of accountability for these abuses ([BLR 3/2023](#), [BLR 12/2023](#), [BLR 11/2023](#), [BLR 10/2023](#), [BLR 5/2024](#), [BLR 7/2024](#), [BLR 2/2025](#), [BLR 3/2025](#), [BLR 5/2025](#)). We reiterate requests made in these communications and echo the call on Belarus of the Committee on the Elimination of Discrimination against Women to bring the conditions of detention for women in line with international standards ([CEDAW/C/BLR/CO/9](#), para. 54(a)).

Protection of family

We would like to recall that under article 16(3) of the Universal Declaration of Human Rights, article 23(1) of ICCPR, article 10(1) of International Covenant on Economic Social and Cultural Rights (ICESCR), ratified by Belarus on 12 November 1973, and the Preamble of the Convention on the Rights of the Child, ratified by Belarus on 1 October 1990, the widest possible protection and assistance must be accorded to the family, particularly in cases where the family is responsible for the care and education of dependent children.

Under article 25 of the Universal Declaration of Human Rights, motherhood and childhood are entitled to special care and assistance.

Child rights

Article 1 of the Convention on the Rights of the Child states that ‘*a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier*’. Under article 3(1) of the Convention, in all actions concerning children, the best interests of the child shall be a primary consideration. Under article 7(1) of the Convention, the child shall have, as far as possible, the right to know and be cared for by his or her parents. Under article 8, States Parties undertake to respect the right of the child to preserve his or her identity, including family relations. Under article 9, States Parties shall ensure that children are not separated from their 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. 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. Under article 18, parents have the primary responsibility for the upbringing and development of the child. States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

Anti-extremism measures

Regarding the **prosecution of Ms. Lazarchyk and Ms. Vailuk under extremism charges**, we have repeatedly expressed concerns about the **incompatibility of the Belarusian counter-terrorism and anti-extremism legal framework and law-enforcement practice with international human rights standards** ([BLR 2/2021](#), [BLR 3/2022](#), [BLR 3/2023](#), [BLR 4/2023](#), [BLR 9/2023](#), [BLR 10/2023](#), [BLR 12/2023](#), [BLR 5/2024](#), [BLR 6/2024](#); [BLR 8/2024](#); [BLR 9/2024](#); [BLR 1/2025](#); [BLR 2/2025](#); [BLR 3/2025](#); [BLR 4/2025](#); [BLR 5/2025](#); [A/78/327](#)). We remind your Excellency’s Government that any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.¹ Further, according to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, “the term ‘extremism’ has no

¹ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

purchase in binding international legal standards and, when operative as a criminal legal category, is irreconcilable with the principle of legal certainty; it is therefore per se incompatible with the exercise of certain fundamental human rights” ([A/HRC/43/46](#), para. 14). We urge once again your Excellency’s Government to take immediate steps to bring its national counterterrorism and security-related provisions, the Belarusian legislation on countering terrorism and extremism, and the related Criminal Code provisions into compliance with international law, including international human rights law standards.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned persons 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 also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about measures taken to ensure communication of Ms. Alena Lazarchyk and Ms. Lubov Valiuk with their children, taking into consideration the best interest of child.
3. Please provide information about the factual basis for the conviction of Ms. Alena Lazarchyk under article 411 of the Criminal Code.
4. Please provide information on steps taken to repeal the category of “extremism” in national law and bring its national counterterrorism and extremism-related legal framework in line with international law.
5. Please provide information about the factual basis for the prosecution of Ms. Liubov Valiuk. In view of concerns about incompatibility of the domestic anti-extremism legislation and law enforcement practice with international human rights law, please consider immediately dropping all extremism-related criminal charges against her.
6. Please consider granting Ms. Alena Lazarchyk pardon or remission of sentence or replacing her prison sentence with non-custodial measures, in line with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules) and rule 58 of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). Please provide information about measures taken by the authorities to ensure the full implementation of the Tokyo and Bangkok Rules in this regard.

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

Further, 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 case 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 allegation letter and the regular procedure.

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 responsible of the alleged violations.

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 to clarify the issues in question.

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

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