

Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the right to education; 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 right to privacy; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

3 December 2025

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 the right to education; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the right to privacy; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 58/19, 53/7, 60/10, 55/3, 59/5 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the bill "On Amendments to Codes on Issues of Administrative Liability"** (hereafter, "**the bill**") which proposes **introducing administrative liability for "propaganda of homosexuality, sex change, childlessness, and pedophilia"**.

According to the information received:

In 2023, the Prosecutor General's Office publicly announced its intention to propose introducing administrative liability "for propaganda of non-traditional sexual relations, sex change, pedophilia and childlessness." It affirmed that the initiative had received approval of the President of the Republic of Belarus.

On 19 February 2024, the Prosecutor General informed the Belarusian Parliament that a draft bill was under preparation by the Government which would propose introducing administrative liability for the "promotion of abnormal relationships, pedophilia, and voluntary refusal to have children" in order to protect traditional family values.

On 9 July 2025, a bill titled "On Amendments to Codes on Issues of Administrative Liability" («Об изменении кодексов по вопросам административной ответственности») was submitted by the Council of Ministers of the Republic of Belarus to the House of Representatives (the lower chamber of the Parliament). On 3 October 2025, the bill was adopted by the House of Representatives in the first reading.

The bill proposes including article 19.16 ("Propaganda of homosexuality, sex change, childlessness, and pedophilia") into the Code of Administrative Offences, which would prohibit "*distribution, in any form, of information aimed*

at shaping citizens's perceptions about the attractiveness of homosexual relations, sex change [and] childlessness or about the recognition of pedophilia as permissible". These acts committed by individuals or legal entities would be punishable by fines. In cases where the prohibited information reaches underage persons, other penalties, including community service and "administrative arrests", can also be imposed.

We would like to inform your Excellency's Government that **the bill appears to be incompatible with Belarus' obligations under international human rights law, including those related to the right to equality and non-discrimination, the right to freedom of expression, the right to the highest attainable standard of mental and physical health, the right to privacy and the prohibition of arbitrary detention.** Furthermore, we are concerned about the potentially disproportionate negative impact of the bill on **women's rights, the rights of the child and on the human rights of lesbian, gay, bisexual, trans, queer, intersex, and other (LGBTQI+) persons.**

We note with concern that your Excellency's Government proceeded with introducing this bill to the Parliament notwithstanding the fact that the current and former Special Rapporteurs on the situation of human rights in Belarus and the Group of Independent Experts on Belarus have flagged the potential incompatibility of this bill with Belarus's obligations under the international human rights law ([A/HRC/59/59](#), para. 81; [A/HRC/58/68](#), para. 62; [A/HRC/56/65](#), para. 65). We are also alarmed that the bill follows on the adoption by the Ministry of Culture of Decree No. 24 of 19 March 2024, which broadened the definition of "pornography" to include "non-traditional sexual relations and/or sexual behaviour", resulting in a wave of criminal prosecutions against LGBTQI+ persons merely for posting their photos online, fully dressed and without engaging in sexual acts ([A/HRC/59/59](#), paras. 79-80).

We would like to stress that the proposed administrative sanctions for the display or expression of gender-diverse identities, same-sex or bisexual relationships, and childlessness are premised on discriminatory assumptions that such identities or family choices threaten public morality or the institution of the family.

In this respect, we would like to draw your Excellency's Government's attention to the fact that the bill appears to contradict the following standards of international human rights law.

Right to equality and prohibition of discrimination

We would like to refer your Excellency's Government to the prohibition of discrimination and the right to equality.

We recall that article 7 of the Universal Declaration of Human Rights (UDHR) and article 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Republic of Belarus on 12 November 1973, guarantee everyone's right without any discrimination to equal protection of the law.

We would like to stress that the Human Rights Committee defines discrimination as "*any distinction, exclusion, restriction or preference that is based on*

the status covered by article 26, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, or equal footing, of all rights and freedoms” (Human Rights Committee, general comment No. 18, [CCPR/C/21/Rev.1/Add.1](#), para. 7). The Committee has recognized that prohibition against discrimination under article 26 extends to discrimination based on sexual orientation and gender identity (Human Rights Committee, *Mikhail Kudryashov v. Kyrgyzstan*, views of 13 July 2023, [CCPR/C/138/D/2998/2017](#), para. 8.7).

We would like to recall that the prohibition of discrimination in relation to the enjoyment of human rights is further enshrined in various provisions of international human rights instruments, including, among others, article 2 of the UDHR; article 2(1) of the ICCPR; and article 2(2) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), ratified by the Republic of Belarus on 12 November 1973.

The Committee on Economic, Social, and Cultural Rights reaffirmed that “gender identity is recognized as among the prohibited grounds of discrimination” (CESCR, general comment No. 20, [E/C.12/GC/20](#), para. 32.) The Committee has observed that “[n]on-discrimination, in the context of the right to sexual and reproductive health, also encompasses the right of all persons, including lesbian, gay, bisexual, transgender and intersex persons, to be fully respected for their sexual orientation, gender identity and intersex status. (...) State parties also have an obligation to combat homophobia and transphobia, which lead to discrimination, including violation of the right to sexual and reproductive health” (CESCR, general comment paras. No. 22, [E/C.12/GC/22](#), para. 23).

We would also like to refer to article 16(e) of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by the Republic of Belarus on 4 February 1981, under which “*States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women (...) [t]he same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights*”. This provision reaffirms the right of women to decide on the number of children and have access to information and education in order to exercise this right.

The Working Group on discrimination against women and girls emphasizes that sexual and reproductive health rights are indispensable to women’s and girls’ autonomy and dignity. They are a prerequisite for the enjoyment of all other human rights. Furthermore, the denial of autonomy and dignity in decision-making about their bodies and lives constitutes discrimination and perpetuates inequality. States have an obligation to respect, protect and fulfil women’s and girls’ rights to make free and informed choices about sexuality and reproduction, without violence, coercion or stigma. (A/HRC/47/38, para. 46, 47, 48)

The CEDAW Committee in its general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention (equality and non-discrimination), highlighted that discrimination against women was inextricably linked to other factors that affected their lives (para. 9) and explicitly recognized in its general recommendation No. 35 on gender-based violence against women, that such factors

include being lesbian, bisexual, transgender or intersex, noting that appropriate legal and policy responses are needed to counter such discrimination (para. 12)

The right to freedom of expression

We would like to express concerns about the vague wording of the bill, which appears to allow for excessive restrictions on the freedom of expression regarding sexual orientation, gender identity and reproductive health.

We would like to refer to articles 19 of the UDHR and 19 of the ICCPR, which enshrine everyone's right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. The right to freedom of expression includes "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" and can embrace "even expression that may be regarded as deeply offensive" (Human Rights Committee, general comment No. 34, [CCPR/C/GC/34](#), para. 11).

Any restrictions imposed on this right must (i) be provided by law; (ii) pursue one of the legitimate aims for restrictions listed in paragraph 3 of article 19; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate in an individualized fashion that any such restrictions are compatible with the Covenant and the restrictions must be "the least intrusive instrument among those which might achieve their protective function" ([CCPR/C/GC/34](#), paras. 34 and 35).

We would like to underline that the Human Rights Committee has established that restrictions imposed on information about sexual and reproductive health, such as information on the termination of pregnancy, may entail violation of article 19 of the ICCPR (Human Rights Committee, *Fátima v. Ireland*, views of 19 March 2025, [CCPR/C/143/D/3629/2019](#), para. 15.18). The Committee has also found that, in light of article 19 of the ICCPR, taken in conjunction with its article 26, peaceful expression of sexual orientation and gender identity and advocacy for the equal protection of LGBTIQ+ persons' human rights cannot form legitimate grounds for administrative prosecution (Human Rights Committee, *Irina Fedotova v. Russian Federation*, views of 31 October 2012, [CCPR/C/106/D/1932/2010](#), para. 10.8).

In addition, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has noted that although international law contains provisions for introduction of measures to protect "public morals" or children, which can serve as a legitimate purpose to justify certain restrictions on individual freedoms, it can never be used as a tool for discrimination ([A/HRC/56/49](#)).

We would like to refer your Excellency's Government to the recommendations issued by the United Nations High Commissioner for Human Rights that urges States parties to repeal "so-called "anti-propaganda" and other laws that impose discriminatory restrictions on freedom of expression, association and assembly" ([A/HRC/29/23](#), para. 79(c)).

The right to the highest attainable standard of mental and physical health

We would like to refer to article 12 of the ICESCR, which guarantees the right of everyone to the enjoyment of the highest attainable standard of mental and physical health, without discrimination, including an obligation for States parties to refrain from interfering directly or indirectly with the enjoyment of this right.

We would like to recall that according to the Committee on Economic, Social, and Cultural Rights, sexual and reproductive health includes “*the right to make free and responsible decisions and choices, free of violence, coercion and discrimination, regarding matters concerning one’s body and sexual and reproductive health*” (CESCR, general comment No. 22, [E/C.12/GC/22](#), para. 5). The Committee has noted that under article 12 of the CESCR, “*States must not limit or deny anyone access to sexual and reproductive health, including through laws criminalizing sexual and reproductive health services and information. (...) States must reform laws that impede the exercise of the right to sexual and reproductive health. Examples include laws criminalizing abortion, (...) consensual sexual activities between adults, and transgender identity or expression. The obligation to respect also requires States to repeal, and refrain from enacting, laws and policies that create barriers in access to sexual and reproductive health services. (...) National and donor States must refrain from censoring, withholding, misrepresenting or criminalizing the provision of information on sexual and reproductive health, both to the public and to individuals. Such restrictions impede access to information and services, and can fuel stigma and discrimination*” (*Ibid.*, para. 40).

In this regard, we also wish to refer to the Compendium on comprehensive Sexuality Education, issued by the [Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#), the [Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#), the [Special Rapporteur on the right to education](#) and the [Working Group on discrimination against women and girls](#), who called upon the States to “[r]espect and protect the key principles of non-discrimination, equality, and privacy, as well as bodily integrity, autonomy, dignity, and well-being of individuals, especially in relation to sexual and reproductive health rights.”¹

The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has stressed the importance of publicly accessible gender-affirming care for transgender persons ([A/HRC/50/27](#), para. 30). We recall that gender reassignment procedures are currently legal in the Republic of Belarus and regulated by resolution No. 47 of the Ministry of Health of 28 January 2010, “On Approval of the Instruction on the Procedure for Gender Reassignment” («Об утверждении инструкции о порядке изменения пола»). We are concerned that the bill’s adoption would represent a retrogressive measure with respect to the right of transgender persons to the highest attainable standard of physical and mental health and lead to their stigmatization.

¹ <https://www.ohchr.org/en/documents/tools-and-resources/compendium-comprehensive-sexuality-education>

The right to privacy

We would like to stress that portraying information about reproductive health as a harmful narrative, framing it as “propaganda of childlessness” and providing for administrative penalties for its dissemination amount to arbitrary interference with the right to privacy and family life.

In this regard, we would like to refer your Excellency’s Government to article 17 of the ICCPR, which guarantees the right to privacy and protection against arbitrary or unlawful interference with one’s family life.

We would like to recall the jurisprudence of the Human Rights Committee, which clarifies that decisions relating to personal and family life, such as decisions not to have children, fall within the scope of the right to privacy under article 17 of the Covenant (v. regarding the termination of pregnancy, Human Rights Committee, *Fátima v. Ireland*, views of 19 March 2025, [CCPR/C/143/D/3629/2019](#), paras. 15.14-15.15).

Furthermore, the Working Group on discrimination against women and girls underlined that States must ensure that women and girls enjoy equality in dignity and rights, including respect for their private life, without discrimination in law or practice (A/HRC/56/51). The Working Group has stressed that the right of a woman or girl to make autonomous decisions about her own body and reproductive functions is at the very core of her fundamental rights to equality and privacy and is indivisible from the right to privacy enshrined in article 17 of the ICCPR ([“Women’s Autonomy, Equality and Reproductive Health in International Human Rights: Between Recognition, Backlash and Regressive Trends”](#)).

Rights of the child

We are concerned that the bill appears to impose unnecessary restrictions on children’s right to freedom of expression.

We would like to recall article 13 of the Convention on the Rights of the Child, ratified by the Republic of Belarus on 1 October 1990, which guarantees children’s right to freedom of expression, including the “freedom to seek, receive and impart information and ideas of all kinds.”

In this respect, we would like to refer to the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, in which he notes that the so-called “anti-propaganda” laws justified by the purpose of protecting minors often act as a basis of discrimination on the grounds of gender-diverse identities and sexual orientation: “*while framed as measures to protect children from inappropriate subject matter, these laws are often vaguely worded, broadly interpreted and wielded against freedom of expression and advocacy for equal rights, contrary to the rights of LGBT persons, generally, to children’s right to information, both generally and specifically for LGBT children, and flattening any discussion of children’s evolving capacity and maturity as rights holders. On a metalevel, the ‘child protection’ framing of these laws implies that LGBT persons are a threat to children and that children themselves do not have diverse sexual orientations*

and gender identities, hence compounding social stigma. Furthermore, the terms 'propaganda' or 'promotion' suggest a deliberate, ideological and potentially sinister motive behind advocating for fundamental human rights.” ([A/HRC/56/49](#), para. 26).

Prohibition of arbitrary detention

With regard to the sanction of “administrative arrest” foreseen in the bill, we wish to refer to article 9(1) of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention.

Under article 9 of the ICCPR, everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. Arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including the freedom of opinion and expression (article 19), is arbitrary (Human Rights Committee, general comment No. 35, [CCPR/C/GC/35](#), para. 17).

Under article 9 of the ICCPR, detention may be authorized by domestic law and nonetheless be arbitrary if it includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality ([CCPR/C/GC/35](#), para. 12). “Unlawful” detention includes both detention that violates domestic law and detention that is incompatible with the requirements of article 9, paragraph 1, or with any other relevant provision of the Covenant (*Ibid.*, para. 44).

In light of the above-mentioned standards of international human rights law, we urge your Excellency's Government to remove from the bill “On Amendments to Codes on Issues of Administrative Liability” («Об изменении кодексов по вопросам административной ответственности») provisions related to “propaganda of homosexuality, sex change, childlessness, and pedophilia”.

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 observations.
2. Please explain the reasons behind the proposed introduction of administrative liability for “propaganda of homosexuality, sex change, childlessness, and pedophilia” and how these changes are compatible with international human rights law and standards, including the right of everyone to the enjoyment of the highest attainable standard of physical and mental health .
3. Please provide information about the process having led to the submission of this proposal to the Parliament, including information about the entities having participated in drafting the bill and about consultations

and assessments undertaken to ensure the bill's compatibility with Belarus's obligations under international human rights law.

While awaiting a reply, we respectfully urge that all necessary interim measures be taken to review that bill, to ensure that all the concerns raised are carefully considered, and not to rush the process of promulgating that law.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. 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.

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Farida Shaheed
Special Rapporteur on the right to education

Tlaleng Mofokeng
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