



The status of Lesbian, Gay, Bisexual and Transgender Rights in the Republic of Belarus

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In the Belarusian legislation among legislatively fixed bases of discrimination there are no concepts of sexual orientation and gender identity.

The legislation does not contain specially allocated bases, there is only their approximate list.

It is supposed, that the concepts of “sexual orientation” and “gender identity” as the basis for discrimination are covered by other concepts.

Street actions of the homosexuals in Belarus are forbidden, State support in struggle against homophobia in the society is absent, public LGBT organisations are absent, the problem of homophobia in the society is completely held back by public funds of mass media or presented negatively.

Homophobia became a part of everyday life in Belarus and it even has a political orientation. Registering an LGBT organization seems to be impossible because of the article 193-1 of the Belarusian criminal code, which says that any activity in an unregistered organization can be punished by up to 5 years of imprisonment. The authorities use the article at their own discretion.

On March 28, 2009 a street action against xenophobia was boosted by special troops without any explanation of reasons. The action was organized by Belarusian Helsinki Committee and contained of its representatives and Belarusian LGBT-activists.

Remedial workers tried to persuade representatives of Belarusian special troops that it wasn't a political action but just an informational campaign, which didn't require registration. All the same, the action was boosted and a banner with words “We all diverse but we're all equal” was confiscated.

Reference:

<http://gaybelarus.by/naviny/belarus/belaruskuyu-kampaniyu-suprac-ksenafobii-razagnau-specnaz-fota-i-viziya.html>

The main ideologist of Belarusian capitol, Tsitsiankow, having examined a request of Belarusian LGBT-activists to make a picket on the 27th of October near the building of Russian Embassy in Minsk, declined it. In his denial, which was received by LGBT-activists on the 25th of October, Tsitsiankow explains it this way: “the application doesn't suit the requirements of Belarusian law ‘About mass measures in Republic of Belarus’”.

References:

<http://gaybelarus.by/naviny/belarus/pucinu-adaslali-list-pa-poshce-bo-u-ambasadu-rasei-u-mensku-lgbt-aktyvistau-ne-uscili.html>

<http://gaybelarus.by/naviny/belarus/belaruskiya-lgbt-aktyvisty-mayuc-namer-piketavac-ambasadu-rasei-u-mensku.html>
<http://www.news.gay.by/news/2008-10-25-1358>

On the 15th of October applications with requests to allow public informational actions “international day against homophobia” (May 10th – Gomel, May 17th - Minsk), dedicated to the International day against homophobia, that takes place on May 17th worldwide, were handed in to Gomel’s and Minsk’s city executive committees.

One of the applicants of the action received an e-mail with a reply, that the action couldn’t have been allowed as there were no approval that the organizers would be able to carry out methodical right-protecting control and cleaning up of the territory.

Though according to the law, the organizers added a signed up obligation about responsibility during the action, in which 50 people claimed to participate. The action in Minsk was banned as well by the reason that it would interfere with transport and pedestrians.

References:

<http://gaybelarus.by/naviny/belarus/sud-u-gomeli-praigrany-nastupny-sud-gomelski-ablasny.html>

<http://gaybelarus.by/naviny/belarus/vulichnuyu-akcyu-geyau-i-lesbiyanak-u-gomeli-ne-dazvolili-myascovyya-ulady.html>

On the 6th of October, 2008, a planned raid of employees of the department of special settings, the inspection on rights for minor, the department on fight against economic crimes and also correspondents of Belarusian TV and radio company took place in a restaurant-club “Fortuna”.

The official aim of the raid was search of narcotic matters, checking for a presence of minor in the club after 11 p.m. and also checking for economic machinations and record-keeping. But none of those who were in the club that evening doesn’t believe that the official aim was true. It looks plausible, but not true.

A great amount of the Belarusians see intimidation and discrimination in a sexual sign in this incident. As the arrested ones say, “the raid was connected to sexual orientation of the attendants and the troops mainly spoke about Fortuna’s gay-bashes”. The troops arrested those who looked minor and also adult who didn’t have any proof of identity. Thus about 40 people were arrested. An administrator and barmen of the club were also arrested.

The police had a right to detain those who either made an offence or was supposed to make an offence, for no longer than 3 hours. What the representatives of law and order were suspecting is unknown. According to Belarusian legislation, there's no offence in the action of the troops. Minors are not allowed to be outside after 11 p.m., detention for finding out personality may be for no longer than 3 hours. As is generally known, all the detained were released before 3 a.m. But probably the alarm wasn't connected to the arrest, but to the attendance of television. As the matter of fact, almost all the Belarusian homosexuals are "hidden" because of society's preconceived relation and that's why they are ashamed of their sexual orientation.

To avoid open discrimination of LGBT people in Belarus an anti-discrimination law and recognition of same-sex couples is needed. Same-sex couples aren't protected by the legislation, so they don't have any opportunity neither to register their union, nor to inherit property in case of death of one of the lovers. These cases require special treatment, so LGBT NGOs are strongly needed in the country, and registration of such NGOs is impossible while the article 193-1 exists.

LGBT people have always tried to struggle for their lives via demonstrations and public actions, but this way of struggle is also impossible as the authorities are constantly banning actions without explanations of reasons why. That's why freedom of demonstrations needs to be observed.

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