**ECOM Oral Statement to UN Human Rights Council on Belarus 2020**

Dear distinguish Human Rights Council members,

My name is Yuri Yoursky and I represent ECOM – Eurasian Coalition on Health, Rights, Gender and Sexual Diversity.

In the Republic of Belarus discrimination is not defined in the existing laws. There is no definition of discrimination and no list of protected grounds even in the Constitution, which is very concise when referring to this issue. The list of grounds protected from discrimination is set forth in the Labor Code[[1]](#footnote-1). However, it does not include such protected grounds as sexual orientation and gender identity. The Criminal Code also fails to mention SOGI. Thus, LGBT people are not able to fully use the existing anti-discrimination mechanisms.

At the same time, cases of discrimination based on SOGI among public officials remain a widespread problem. On 20th of May, 2018 on the official website of Ministry of Foreign Affairs an article was published covering the IDAHO[[2]](#footnote-2) and placing the rainbow flag on the British Embassy’s building in Minsk. Articles said: “Doesn’t matter from which side you’ll look at it, same-sex relationships are fake”. Later the Minister of Internal Affairs Mr Shunevich confirmed that he agreed with the stated point of view. “I call it propaganda of a way of life that is unacceptable to us”, – stated he[[3]](#footnote-3).

Later Belarus denied any kind of discrimination of LGBT people, as well as hate speech on the part of senior officials and stated in its report to UN Human Rights Committee in 2018 that “Office of the Procurator General has not received any reports or information supported by factual evidence of the use of physical or psychological violence against or harassment of members of sexual minorities”.

The situation with the freedom of expression and the freedom of peaceful assembly is also critical. Although there are no separate legal barriers for LGBT, there is a regulatory approval system applied to peaceful assemblies, with authorities giving permissions for conducting any mass events. LGBT community got such an approval once, in 2011. Since then, nobody submitted any applications for conducting Pride marches or other public events, taking into consideration lack of any regulatory changes and general prohibitions on peaceful assemblies for other groups.

Gender confirmation procedure for trans\* people is has less legal barriers. However the law lacks a procedure to change digital identifier in individual tax codes: when someone changes one’s name and identification documents, the digital identifier remains unchanged and indicates that such person went through a gender confirmation procedure, i.e. discloses the status of such person to third parties, which violates rights for privacy.

**We recommend Human Rights Council to provide the State of Belarus with the following recommendations:**

* To take effective measure to adopt comprehensive anti-discrimination legislation with SOGI included in the list of protected grounds;
* To amend the Criminal Code so that the crimes against LGBT community members are investigated and qualified as hate crimes;
* To amend the legislation to envisage a change of the ID-number with the change of the gender marker and to exclude from the list of grounds for changing a passport of a citizen of Belarus such grounds as "Change of surname, name or patronymic" and "Change of sexual identity", by replacing them by one single ground "Change of personal data".

1. *Discrimination, i.e. restriction of the labor rights or any benefits because of sex, race, national or social background, language, religious or political beliefs, participation or failure to participate in trade unions or other non-governmental associations, material status or rank, age, place of residence, physical or mental disabilities, not preventing individuals from performing their work duties, as well as other circumstances not related to their professional competences or specific work functions, is prohibited.* [↑](#footnote-ref-1)
2. International Day against Homophobia, Biphobia and Transphobia, celebrated on 17th of May [↑](#footnote-ref-2)
3. "Did not have the right to not react." Shunevich - about the Ministry of Internal Affairs commentary on the LGBT flag at the embassy, <https://news.tut.by/society/593788.html?crnd=22350> [↑](#footnote-ref-3)