

Dear ladies and gentlemen,

Despite the principle of equality enshrined in the Constitution and some laws, the absence of specific protection mechanisms makes these provisions ineffective in practice. Belarus doesn't have any system of collecting the statistics on cases of discrimination and hate crimes. Our respondents indicated that they did not complain about discrimination that happened to them because of their absolute lack of faith in the fact that the state will protect the rights of the LGBTI person, and the aggressors remain unpunished. The information we have on about more than 100 cases of incidents motivated by hatred to LGBTI people in Belarus in period of 2012-2018.

LGBTI phobia is also supported by high level public officials. Most of the homophobic statements were voiced by President Lukashenko in 2011-2013. For example, "it is better to be a dictator than gay," and so on.

After the break, this discourse received a new development. On May 20, 2018, an article was published on the official MIA website concerning the placement of the rainbow flag on the building of the British Embassy in Minsk.

Quote from the article states: "Representatives of same-sex relationships are violently defending their position, despite the foundations and traditions of society. Say what you like, but same-sex relationships are fake. And the essence of a fake is always the same - the devaluation of truth. The LGBT community, and this whole struggle for "their rights", and the community day itself is just a fake!". Later, the Minister of the Interior, confirmed that he agreed with this point of view.

This discourse has its practical realization in the following. Our organizations received information on police creating database of LGBTI people in Belarus. The representatives of law enforcement bodies under the fake profile on gay dating site appointed meeting, and under the pressure of revealing personal information of victim and blackmailing them demands to share contacts of other LGBTI people they know, as well as sex workers and people who inject drugs. Unfortunately we can state that 'profiling' of marginalized groups in Belarus is a daily base practice of law enforcement bodies.

An important challenge for the equality of trans people is the lack of protection of their privacy. There are a number of shortcomings in the national legislation which often lead to an undesirable disclosure of the gender transition, and as a result, to discrimination and violence. The main threat in this regard is the inability to change the gendered identification number. In addition, gender marker change is

indicated as the basis for issuing a new passport after legal recognition in the database “Passport”, managed by the Ministry of Internal Affairs. This information, for example, is available to any state official who accesses the database. Thus, even a superficial glance at the trans person's passport reveals to anyone the fact that they had another gender marker previously.

Transgender men after legal confirmation of their new gender become military-obliged and receive a military ID containing an indication that they are unfit for the service under the category 19a of the Disease Schedule approved by the Ministries of Health and Defense. This code indicates the presence of a serious mental disorder. Since the military ID is a mandatory document for employment, this circumstance leads to systemic discrimination in the labor market, and creates an obstacle for trans people.

Besides, there is an evidence of torture motivated by homophobia. Expect of those indicated in the report we want to highlight the following case. In September 2017, Vadim Nikitin was arrested on suspicion of committing a crime. The detention was carried out by unidentified police officers in civilian clothes, accompanied by physical, psychological and sexual violence. This violence has a homophobic nature, which follows from the character of the insults. Mr. Nikitin was forced to testify against himself and the police officers took his hand, imitating his signature on the procedural documents.

The victim's attorney, Mr. Oleg Rakita, appealed against the actions of the police officers. The refusal to initiate criminal case was received and the lawyer faced pressure against himself. The investigator of the case sent a submission to the Ministry of Justice against the lawyer. Soon, Mr. Rakita was denied to become a member of the Minsk City Bar Association. He tried to become a member of some other bar association, but he was refused. No grounds for refusal were provided. Since the attorney practice requires membership in any association at the moment Mr. Rakita faced with a de facto ban on the profession. Given the strong dependence of the legal profession on the executive authority, there are well-founded fears that this decision is dictated by the activeness of the lawyer in protecting his client from torture.

The systematic hate speech, abuse and violation of human rights for LGBTI people in Belarus substantiate focused state sponsored homo- and transphobia, which has to be eliminated in all levels.

Recommendations:

- Adopt comprehensive anti-discrimination legislation that addresses discrimination, and contains a comprehensive list of grounds for discrimination, including sexual orientation and gender identity, and provides for effective remedies in judicial and administrative proceedings
- Stop the practice of ‘profiling’ LGBTI people in Belarus to ensure personal data protection of people living in Belarus
- To stop the practice of obligatory indication on state of health in military ID
- Adopt effective legislative, administrative, budgetary, judicial, and other measures that promote the rights of trans people, including right to highest attainable standards for physical and mental health
- Include compulsory course in the program for all MIA personnel and law enforcement on permanent basis on the issues relating to SOGI, including inadmissibility of discrimination on such grounds and the need for correct treatment of LGBTI people