

## 8. LGBT GROUPS

Belarus was the third republic of the former USSR to abolish criminal sanctions for homosexuality in 1994, however, there have been no other efforts to ensure that legislation protects the rights of lesbian, gay, bisexual and transgender (LGBT) individuals in Belarus. They face very high levels of negative stereotyping and social prejudice as in other post Soviet societies, and these attitudes are supported at the highest level by President Lukashenka. In March 2012, following a statement by the German Foreign Minister, Guido Westerwelle, explaining that Germany was withdrawing its ambassador in protest at human rights violations in Belarus, Lukashenka retaliated: "When I heard him – whoever he is, gay or lesbian – talking about dictatorship, I thought – it's better to be a dictator than gay."<sup>70</sup>

Under international law Belarus has an obligation to ensure that everyone can exercise their human rights to freedom of expression, peaceful assembly and association, as well as all other rights, without discrimination on the grounds of gender identity or sexual orientation.

### 8.1 RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY

Amnesty International has been documenting violations of the right to peaceful assembly of LGBT activists over many years:

#### **BANNING LGBT PUBLIC EVENTS AND MINSK GAY PRIDE**

In 2008 LGBT activists in Homel and Minsk applied for permission to hold small street actions on 4 and 10 May respectively to celebrate Slavic Pride, but both were refused permission by the respective city administrations. The Minsk activists were told that their action would block traffic. The Homel activists were told that they had not proved that they would provide adequate medical assistance or stewarding for the event, or that they would clean up afterwards, although they had demonstrated this in their application.

On 12 February 2009, an application by a group of 20 people to hold a small public awareness action about LGBT issues was refused by the Homel city administration. They said that the application did not include copies of contracts with the local police department, the health clinic and the waste disposal services to cover the expenses of ensuring public order, safety and for cleaning up after the action. The Homel District Court held that the application had been refused in accordance with the Law on Public Events and turned down the appeal.

On 8 May 2010, the Minsk City Executive Committee refused permission for a march to celebrate Slavic Pride on 15 May because the proposed route was within 200m of underground stations and pedestrian crossings. A group of demonstrators organized a peaceful march on 15 May regardless of the ban. Seven of the demonstrators were detained over the weekend, another five were detained for three hours, among them was Syarhei Androsenka, the organizer of Slavic Pride.

In October 2011 a request to hold a march for Minsk Pride on 22 October on the outskirts of Minsk was refused by Minsk city council on the grounds that the march would have passed within 50 metres of public buildings. An appeal to the Moscow District Court in December was turned down.

In October 2012, a request to hold a Minsk Pride march was turned down on the grounds that the local

authorities were planning an event at the same time and place. However, the activists were able to successfully hire a tram and on 11 October held a LGBT party on board a tram.

## 8.2 RESTRICTIONS ON FREEDOM OF ASSOCIATION - REFUSAL TO REGISTER LGBT ORGANIZATION

*"This was more like a special operation against criminals. Of course, this action was intended to frighten and intimidate those who dared to proclaim their homosexuality publicly in Belarus."*

Syarhei Androsenka, Coordinator of Gay Belarus.<sup>71</sup>

There are currently no registered LGBT organizations in Belarus. In 2011, the organization, Gay Belarus, attempted to register under the name of Alternativa Plyus. The application was rejected by the Ministry of Justice on 19 December 2011 on the grounds that there were mistakes and errors in the list of founders. The Ministry of Justice also found inaccuracies in the writing of the address of one founding member from Hrodna, spelling of the name of another member and the date of birth of the third member. In December 2012, Gay Belarus applied again for registration, this time registering under the name of the Republican youth public association Human Rights Centre Lambda. The Ministry of Justice wrote refusing registration in February 2013. This time the reason for turning down their application was that the organization did not include in its statute any activities "supporting social maturity and comprehensive development of the Belarusian youth."

Following the application to register Human Rights Centre Lambda in December 2012, LGBT activists were subjected to a series of police raids and investigations which included incidents of ill-treatment. Syarhei Androsenka, the coordinator of Gay Belarus, told Amnesty International that he believed these raids and investigation were linked to the attempt to register. On the night of 11 – 12 January 2013, police officers entered a Minsk night club "6A" where an LGBT party was taking place. They blocked the exit and interviewed everybody in the club checking their identity documents. The police claimed to be looking for an escaped convict. On the following night a similar incident occurred in Vitebsk at the 21st Century Club. At about 11pm two duty policemen entered and said that they knew there was a "sexual minorities action" going on at the club. They stayed and watched what was going on for about an hour and then left. Half an hour later a group of police and special police forces entered. They immediately asked everybody to stand facing the wall – men on one wall and women on another. They wrote down everybody's details, and filmed everybody. Syarhei Androsenka told Amnesty International: "They were quite brutal to the boys. They made homophobic jokes and some indecent comparisons."<sup>72</sup>

Following these events more than 60 people whose names were on the list of the founding members of the Human Rights Centre Lambda were invited for questioning by the police, the Department for drug control and the prevention of human trafficking of the Ministry of Internal Affairs of the Republic of Belarus, in 10 different cities. They were called for questioning (police often called it "talk") in connection with various crimes including drug trafficking and rape, but according to Syarhei Androsenka, the questions were not related to the alleged crimes, but to the founding members' sexual activity and work of the organization. In many cases the police arrived at places of work or phoned up relatives causing embarrassment.

Finally, on 19 January 2013 Syarhei Androsenko was returning from Poland at the border crossing at Brest. He was told that there was a cross against his name because his passport had been reported stolen. As he had his passport on him, the official on duty allowed him to pass and told him it was probably a mistake. On his return to Belarus, however, his passport was confiscated, and he was told that his passport had been cancelled in Minsk.

## IHAR TSIKCHANYUK

*"I don't want to hide myself. I live openly. It is not easy in Belarus, but I want to show people that I am a person like everybody. Maybe with my example I want to show that it is possible to live openly."*



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Ihar Tsikchanyuk, an openly gay man and drag performer, was one of those questioned by police following the attempt to register Human Rights Centre Lambda in January 2013. He was held in a police station for one hour, beaten and subjected to threats and abuse for being gay before being released without charge. He told Amnesty International that he was undergoing treatment in hospital in Hrodna for a stomach ulcer when on 6 February 2013 two plain-clothes policemen entered the hospital ward and asked him to accompany them to the October District police station. He was taken to a third floor office where the police asked him a series of questions about the make of his mobile phone, car and shoes. Not understanding the reason for the seemingly pointless questions Ihar Tsikchanyuk refused to answer. He consented to bend down and find out the make of his shoes at which point he was punched in the chest and fell down. He was asked to stand up and police punched him again a total of six times. The police officers then left the room and two different police officers then entered and asked him what he had been doing in Minsk in December 2012 when he had gone to attend a meeting of Gay Belarus. Ihar Tsikchanyuk refused to answer and then a female police officer entered and knowing Ihar Tsikchanyuk, she started to scroll through the photographs of Ihar Tsikchanyuk in drag that were on his mobile phone and showed the policemen who then started to mock him for being gay and threatened him with violence. The director of the ward on which Ihar was being treated then phoned the police station and demanded that he be sent back to the hospital. The police officers released him and drove him back to the hospital. Ihar Tsikchanyuk complained about the ill-treatment he had experienced at the police station and on 13 March the Prosecutor's office informed him that there was not enough evidence to start an investigation. He has appealed against that decision, and at the time of writing was waiting for a response.<sup>73</sup>

Amnesty International calls on the government of Belarus to respect the right to freedom of assembly of LGBT individuals. The organization also calls on the government of Belarus to respect the right to freedom of association of LGBT individuals by enabling them to register Human Rights Centre Lambda. Amnesty International reminds the authorities that as a state party to the ICCPR Belarus has an obligation to respect and ensure the rights of all those on its territory without discrimination on any of the grounds prohibited under international law, including gender identity and sexual orientation.

Furthermore as a state party to the UN Convention against Torture, Belarus has an obligation to prevent torture, or other cruel, inhuman or degrading treatment or punishment, and to ensure that allegations of torture and other ill-treatment are promptly, thoroughly and impartially investigated. Amnesty International calls on the authorities to ensure that there is a prompt, thorough, independent and impartial investigation into the allegations by Ihar Tsikchanyuk that he was beaten by police and targeted because of his sexual orientation. The officers responsible should be subject to disciplinary and criminal proceedings as appropriate.