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The Private Information Advisory Institution “Region 119” officially registered by Minsk City Municipal Executive Committee on April 8, 2015 following the forced liquidation of the legal entities-predecessors.

According to the Statute, the main activity of the PIAI "Region 119" is the protection of the rights and legitimate interests of convicts and other persons whose rights are violated by the representatives of law enforcement and the judiciary of Belarus. However, we do not leave unattended any human rights violations and either forward such cases to partner organizations, or provide advice and other assistance to the applicants to the best of our ability.

At the moment, “Region 119” is the only human rights organization that has access to the penitentiary system of Belarus. Regular visits to penal institutions in the country allow us to assess the real situation in the penitentiary system of Belarus.

The human rights organization "Region 119" is not aimed at protecting the rights and freedoms of a particular group of convicts, there is no such a thing as "bad" or "good" crimes, we do not evaluate the committed crimes from the point of morality or public decency. The only criterion for us is the observance of law in respect of every person in the places of detention, irrespective of their political views, religious beliefs or racial background.

Taking into account the work of the liquidated organizations-predecessors, the experience of our organization in the field of human rights protection in the Republic of Belarus is more than 5 years.

The written submission for the 8th the periodic report of the Republic of Belarus to the UN CEDAW on the implementation of the Convention on the elimination of all forms of discrimination against women

Prior to the submission of the eighth periodic report (document CEDAW/C/BLR/QPR/8), in the list of issues raised by the Committee on the elimination of discrimination against women of Belarus, in question No. 13 the Committee made a request to provide the information on the measures taken to ensure the proper conditions for women and their protection from violence and abuse in prison, in accordance with the rules of the United Nations and non-custodial measures applied to women-offenders (the Bangkok rules).

The procedure and conditions of detention (including women) are governed by the Law of the Republic of Belarus of June 16, 2003 “On the Procedure and Conditions of Detention of Persons”.

In accordance with Article 4 of the above Law places of detention include: remand centres, temporary detention centres, correctional facilities, arrest houses as places of detention.

Remand centres are intended for persons who are detained in the form of preventive punishment and for convicted persons in the cases provided by the Penal Enforcement Code ([Уголовно-исполнительным кодексом](#)) of the Republic of Belarus.

The temporary detention centres are intended for a short-term isolation of detainees in accordance with the Criminal Procedure Code ([Уголовно-процессуальным кодексом](#)) of the Republic of Belarus (http://etalonline.by/?type=text®num=HK0000365#load_text_none_1).

In temporary detention centres of the territorial bodies of Internal Affairs are also detained:

- persons arrested in accordance with the Penal Enforcement Code ([Уголовно-исполнительным кодексом](#)) of the Republic of Belarus;
- arrested citizens, who are sent to medical-labour centres of the Ministry of Internal Affairs of the Republic of Belarus.

In temporary detention centres persons may be detained up to 72 hours, as a preventive measure, before sending them to (pre-trial) remand centres.

Correctional facilities, arrest houses are used for the detention of persons serving sentences in these institutions, and other persons whose detention is a form of preventive punishment.

The conditions of serving a sentence in correctional institutions, the issues of labour, material base and medical care for convicted women, including pregnant women, nursing mothers and women with children in places of deprivation of

liberty are also governed by Penal Enforcement Code of the Republic of Belarus and by the Internal Regulations in penal institutions.

In Belarus women serve sentences involving deprivation of liberty, in 2 correctional facilities.

- Correction colony (hereinafter referred to as CC) No. 4 (Gomel). Here serve sentences women convicted for first offences; minor girls; women with tuberculosis; as well as women who gave birth to children in places of deprivation of liberty. The number of convicted women - up to 1 500 people, currently there are detained about 1,200 prisoners. Most of those convicted for the first time have committed grave crimes.
- CC No. 24 (Gomel oblast). Women are serving sentences for repeatedly committed crimes. The number of convicted women is up to 900 people, currently about 700 women are detained there. The majority of women have committed grave and especially heinous crimes, 85% of them are obligated persons. Up to 30% of women undergo compulsory medical treatment for alcohol or drug dependence as a form of additional punishment.

In violation of international standards, in both correctional facilities forced labor is used. According to Article 98 of the Penal Enforcement Code of the Republic of Belarus, everyone sentenced to imprisonment must work at the places and jobs determined by the administration of correctional institutions. When attracting women-convicts to work, no labor agreement (contract) is signed with them. Only convicted women with 1st and 2nd disability groups and women older than 55 years make an exception, they are involved to work at their wish. Refusal to work or unauthorized work stoppage is considered malicious violation of the established order of punishment and shall entail the application of disciplinary measures.

Prisoners' wages are inadequate, which is associated with the legally fixed wage of prisoners not below the payment established in the industry for certain activities, i.e. they are not subject to the concept of the national minimum wage in Belarus.

The living conditions in places of deprivation of liberty do not always correspond to the rules of sanitation and hygiene. Article 94 of the Penal Enforcement Code establishes the norm of living space per convict (including women) in correctional colonies and prisons, which cannot be less than two square meters, in juvenile correctional colonies - three and a half square meters, and in medical-labour centres – three square meters. Article 13 of the law of the Republic of Belarus of June 16, 2003 “On the Procedure and Conditions of Detention” stipulates the standard of sanitary space in a prison cell of no less than two and a half square

meters for one person, and for pregnant women and women with children – of no less than four square meters.

In CC No. 4 there are totally 18 units, 8 units are located in old buildings. In some units, about 40-50 convicted women live in the same premise, sleeping in 2 tiers. There are not enough lavatories in the premises (5-6 toilets for 90-95 people in the unit), there are no showers. The toilets are separated from each other by a wall with a door.

In CC No. 24 women-prisoners live in barrack conditions – all the 90-100 people in one premise. There are 9 units in the colony. It is practically impossible to maintain hygiene in the living places. The number of sanitary units is 5-12 for 90-95 people, which is unacceptable. There are no showers on the premises. People take showers once a week in the Bathing and Laundry plant (there are 10 shower cabins there, so they wash in teams of 20 people, each team being given 30 minutes), bath days are on Saturdays and Sundays.

There are no washing machines either. Prisoners wash their clothes by hand and get them dried in the open air.

It should be noted that places of detention in Belarus are rarely adapted to the specific needs of women and this badly affects their physical and mental health.

In accordance with Article 95 of the Penal Enforcement Code in the correctional institutions where convicted women with children serve their sentences there are organized children's homes. Convicted women may place their children under the age of three in the children's homes in correctional institutions, and they may communicate with them in their free time without constraints. They may be allowed to live with children in the children's homes. With the consent of the convicted women their children can be transferred to relatives or, by the decision of guardianship and custody agencies, to other persons, or by reaching the age of three the children may be sent to the relevant childcare institutions. If the child reaches the age of three and the remaining term of sentence to the mother does not exceed one year, the prison administration may extend the time of stay of the child in the child's home in the correctional institution until the end of the mother's term of punishment.

In practice, prisoners can visit their children only at a set time, which is no more than one and a half hours per day for the children not requiring breastfeeding. For the children who are breast-fed, another regime of visits is established. A convicted woman cannot go to the children's home and play with her child at any time she might wish, nor can she take him out for a walk outside its territory. The children's home itself has long required the construction of a new, more modern building.

The game rooms are dark; the building is about 40 years old, it is dilapidated, and it is necessary to build a new, more modern building.

While the child is in the children's home, the mother does not pay for his care, but as soon as the child is transferred to an orphanage or to the relatives of the convicted, the mother is required to repay expenses to the government for the maintenance of the child. Since wages in the colonies, for the most part, are small, a woman can not pay out the monthly payment for the child's care and her debt is growing, which affects the possibility of replacing the regime of sentence for parole, or the application of the Amnesty. Besides, after placement of the child in the orphanage mother has no opportunity to see her child, no matter how long her sentence might be. The result is the loss of the only social connection between the mother and child.

Convict R., born in 1979, is sentenced to 13.5 years of imprisonment under Part 2 of Article 139 of the Criminal code (premeditated murder under aggravating circumstances). Start of the sentence - 2012, she has a son born in 2001, who, in the absence of close relatives able to take care of him, was sent to an orphanage and then placed with a foster family. Since the mother's arrest the child did not see her even once, although both in the orphanage and in the foster family he repeatedly expressed requests to see her. Several times the son ran away from the orphanage and foster family to meet the mother, but such meetings were impossible because of his minor age. By mere chance the child told about his plight to BelaPAN journalists, who were filming a story in the city of Ostrovets, and the journalists, in their turn, reported the situation to the staff of PIAI "Region 119". After appeals to the Ministry of Internal Affairs, the Penal Correction Department, social services of Ostrovets district, the child was given the opportunity to meet with his mother for a short 2-hour visit (through the glass shield) and in the presence a foster parent. And this was the only meeting that they were allowed; further communication of mother and child only occurs through the letters. There are hundreds of such stories, but not all the children have the opportunity to speak to reporters.

Convict M, born in 1989, is sentenced to 9 years of imprisonment under Part 1 of Article 139 of the Criminal Code, convicted again. Start of the sentence – 2010; in 2011 she gave birth to a daughter (the husband divorced her and refused to take the child), that is why she was transferred to serve her sentence in Correctional Colony No. 4, where there is a children's home, until the child reached the age of 3. In 2014, the daughter was transferred to the orphanage. Since 2014 the mother has never seen her daughter, has no information about her because the child is too little to write to her mother.

For violation of the established order of serving a sentence there may be applied penalties to convicted women in the form of placement them in a disciplinary cell for up to ten days, and those who are recognized as flagrant violators of the established order of sentence are transferred to prison cells.

The living conditions in disciplinary cells and prison cells do not conform to the rules of sanitation and hygiene. A woman is confined to a small cell where a sleeper can be reclined only at night, so the whole day she can only walk around the cell or sit on the only chair. During the period of detention in the disciplinary isolator it is prohibited to have correspondence, all visits, except communication with the counsel, as well as to acquire food and necessities, receive parcels, use Board games, books, newspapers, magazines, and other literature, watch TV. Parcels are handovers are given to detainees after they are released from the isolator. People have a shower once a week; the toilet is in the cell, separated by a partition with a door. After staying in the disciplinary cell no less than 3 times, a woman can be placed for up to 6 months in the prison cell, in which the sleeper is removed in the daytime, but she can go to work, write and receive letters and newspapers. Shower is taken once a week. Toilet is right in the cell separated by a partition with a door. After staying in the prison cell the convicted woman by the court's decision can be transferred to prison as a malicious violator of the sentence. Now, in Belarus there are 4 women kept in Mogilev prison.

In the course of pretrial proceedings, in the case of detention as a preventive measure, women are held in remand prisons (hereinafter referred to as RPs). As a rule, in all the remand prisons in Belarus, the number of women makes 10-15% of the total number of detainees. The living conditions in RPs do not conform to the rules of sanitation and hygiene either. Women are allowed to take a shower once a week. In many remand centres there is no hot water (only cold), the toilets are in the cells and they are not isolated by doors. The number of women kept in one cell can reach 20-25-30 people, especially in RP No. 1 in Minsk. The norms of living space are badly violated, the cells are poorly ventilated.

The common problems of the prisons for women in the Republic of Belarus are the relative fewness of women in prisons and the remoteness of such prisons from women's homes, family and friends. This leads to isolation, which has serious social and psychological impacts on both the woman and her family members, especially the children suffer.

There are a number of problems associated with the care of children living outside and inside the prison. There are also specific problems of providing services in the field of physical needs and women's health.

Besides, women suffering from chronic alcoholism, according to court decision can be sent for compulsory treatment in the medical-labor dispensaries (further MLD).

Currently, there are 3 such institutions for women in the Republic of Belarus:

- MLD No. 9 (Vitebsk) - up to 600 people
- MLD No. 2 (Mogilev region) – up to 300 people
- MLD No. 3 (Minsk region) – up to 150 people

In MLDs forced underpaid labor is also used. The living conditions in these institutions do not meet the standards of sanitation and hygiene. Bath is available once a week, the number of toilets is insufficient, showers are unavailable. Currently, in MLDs there is no mandatory treatment for alcoholism (only at the request of the woman a psychologist may work with her), so women do not get the necessary therapy.

In the course of regular monitoring of and visits to penitentiary institutions of the Republic of Belarus, the staff of the PIAI “Region 119” have established that one of the most common violations in the places of detention is the violation of women’s right to obtain legal assistance while serving the sentence in penal institutions. The PIAI “Region 119” often receives complaints from women-convicts, who have been denied legal aid in prison on the part of the administration. In violation of the existing law, it is common practice that the administration of places of detention requires from the lawyer written permission issued by judicial or investigative bodies to have a date with his defendant.

The prison administration under various pretexts does not allow counsel to date with a client and does not ensure the confidentiality of such meetings. As practice shows, the appeal against actions of the administration to the higher regulatory (the Penal Correction Department of the MIA of Belarus) and supervisory (prosecutors at various levels) authorities - is not an effective way to protect the rights of the convicted woman to receive legal assistance. To justify the restrictions of the right to receive legal assistance in such cases the Supervisory and regulatory authorities often refer to the local regulations adopted by the Ministry of Internal Affairs, in particular, to paragraph 181 of the Internal Regulations of correctional institutions approved by the Decision of the MIA of the Republic of Belarus dated 20.10.2000, No. 174 and Section 6 of Article 83 of the Penal Enforcement Code of the Republic of Belarus. Part 6 of Article 83 of the Penal Enforcement Code of the Republic of Belarus provides for legal assistance to convicts so that at their request they are granted meetings with lawyers or other persons entitled to legal aid.

Moreover, in accordance with Article 62 of the Constitution of the Republic of Belarus, everyone has the right to legal assistance for the realization and protection of their rights and freedoms, including the right to use at any time the services of lawyers and other representatives in court, in other state bodies, local government bodies, at the enterprises, institutions, organizations, public associations and in dealings with officials and citizens.

The right to legal assistance, set by Article 62 of the Constitution of the Republic of Belarus, may not be restricted under any circumstances. A citizen can use this right at any time. A procedure limiting or making impossible the realization of the right to legal assistance is contrary to the constitutional norm.

However, the currently existing norms in Section 6 of Article 83 of the PEC and paragraph 181 in the IRs have generated a practice of denial of counseling to the convicted due to the lack of their written statements. This means that the possibility of realization of the constitutional right to legal aid assumes the compliance with certain procedures and shall be subject to the discretion of the administration of penal institutions.

The concept of "statement" is not defined, which is why the employees of Internal Affairs interpret it as a "pre-filed written appeal". Such an interpretation of the above rules is the cause of the violation of the women-prisoners' rights to receive legal assistance. This approach is characteristic of the entire system of corrections, that is, for all the bodies that carry out the enforcement of these rules.

The above position of the Internal Affairs bodies, concerning the provision of legal counseling to the convicts, does not correspond to the international obligations of the Republic of Belarus.

Principle 18 of the Body of principles for the protection of all persons under detention or imprisonment in any form, adopted by resolution 43/173 of the UN General Assembly of December 9, 1988, enshrines the right of imprisoned persons to contact and consult a lawyer. In accordance with paragraph 3 of Principle 18 of the Body of principles, the right of an incarcerated person to be visited by a lawyer, to consult and to communicate with him without delay or censorship and in full confidentiality may not be suspended or restricted save for exceptional circumstances determined by law or established in accordance with the law regulations, when, in the opinion of a court or other authority, this is necessary to maintain safety and order. Thus, the restriction of the right of a person in detention to meet with his lawyer may be legitimate only in extraordinary cases. Unlawful deprivation of the prisoner's right to meet with his counsel is unacceptable.

Numerous appeals of PIAI “Region 119” to the Constitutional Court and to the persons having the right of legislative initiative with the request of constitutional checks of the above-mentioned legal acts and their cancellation, did not yield positive results.

Monitoring of PIAI “Region 119” also revealed a number of systematic problems in the realization of women-convicts’ right to receive legal assistance in cases when they lack sufficient funds for the payment of legal counseling. The Constitution declares the principle of the free provision of legal aid, but the wording of this provision lays down the restriction of legal aid at the expense of public funds on the cases that should be expressly provided for by law. Besides, in Belarus there is no single comprehensive legal act regulating the provision of women in the places of deprivation of liberty with state subsidized legal aid. Normative legal acts, one way or another concerning the provision of subsidized aid, are characterized by inconsistency, different legal force; they do not contain provisions that clearly define the content and scope of the right to subsidized legal aid.

Thus, in the Republic of Belarus the order and conditions of detention of women in prisons, issues of labour, living conditions, medical care and legal aid do not meet international standards, specifically the Standard Minimum rules for the treatment of prisoners (http://www.un.org/ru/documents/decl_conv/conventions/prison.shtml) and the non-custodial rules of the United Nations Organization concerning the treatment of women-prisoners and penalties for women-offenders (the Bangkok rules) (http://www.un.org/ru/documents/decl_conv/conventions/bangkok_rules.shtml).