

## **Situation of Individuals with Non-standard Sexual Orientation in Belarus**

**by Alaksandr Palujan**

The international community has long recognized that all people are born free and equal in their dignity and rights. Belarus positions itself as a part of this community and, together with other countries, has signed international documents defending against any type of discrimination. Article 2 of the Belarusian Constitution says explicitly that, “the human being, their rights and freedoms and guarantees of their observance belong to the most important values and goals of society and State”. The Constitution also prohibits inciting social, national, religious and racial hatred.

However, in practice it is not always complied with. To this day there are social groups in Belarus whose rights the government and society refuse to defend. These include the milieus of Lesbians, Gays, Bisexuals and Transgenders (LGBT). Discrimination based on sexual orientation violates human dignity and rights.

Some offences or cases of discrimination arising from homophobia that occur in Belarus are ignored by the authorities, media and public opinion leaders. The situation of gays, bisexuals and transgenders is ambiguous. There is insufficient legislation to defend them against discrimination. And although no direct threats are made against that milieu, the society is usually ill-disposed towards it. Most Belarusians feel aversion or indifference towards homosexuals. Only a handful support lesbians, gays, bisexuals and transsexuals in their fight for the possibility of adoption or carrying out peaceful demonstrations. Opinions are often expressed that homosexuals should not speak about their sexual orientation or organize mass events. Religious organizations, opposition, and most people treat such events held by the LGBT community as a propaganda of homosexuality.

According to a poll carried out by one of the largest information portals TUT.BY, the respondents answered the question “What is your attitude towards people from non-standard sexual orientation”, in the following way:

Positive - 16.23% (185)

Negative - 36.32%

(414) Neutral - 25.35%

(289) Don't know

22.1% (252)

### **Legislation vs. Social Practice**

The country has no legislation which would restrict the rights of homosexuals, but negative stereotypes are still present. In practice, it is impossible for an unmarried man who admits to non-standard sexual orientation to adopt a child, just as a gay or lesbian couple can't. In the case of divorce, childcare is more often granted to the mother. If at some stage of the procedure it is found that a parent is homosexual, the court would classify this as a fact unfavourable to the interests of the child.

Homosexuals often tend to have problems at work when their superiors learn about their orientation. Notwithstanding the fact that the law provides equal protection for all, there are attempts to dismiss homosexuals from work on the basis of fabricated charges, not even related to their sexual orientation.

Cases of physical assault on the grounds of a different sexual orientation are considered merely as hooliganism or simple assault. The fact that they were directly related to the victim's sexual orientation is not taken into account as an aggravating circumstance.

There is no legal provision to protect gays, lesbians or transgenders from violence or discrimination. No such legislation is also pending.

There is no legislation to equalize the rights of same-sex couples and families. If one of the partners dies, the ownership right of the other are not protected, as in the case of division of jointly accumulated property.

State authorities have repeatedly rejected LGBT community's requests to allow them to hold peaceful information campaigns, despite that it was a flagrant violation of the right of assembly and expression guaranteed to all citizens.

## **The Attitude of Opposition to LGBT**

Some Belarusian parliamentarians demanded to restore criminal liability for homosexuality, which was abolished in the mid-90s. One of the deputies also presented a proposal to limit employment opportunities for homosexuals in the sphere of education. However, this proposal was rejected.

State media avoid addressing the problems of people with non-standard sexual orientation. Some press releases or TV programmes are openly homophobic. The real life of gays and lesbians can be learned only from the independent media.

Leaders of some opposition organizations were publicizing cases of restricting the rights of homosexuals. But even some opposition politicians exhibit discriminating attitudes towards LGBT. In 2009, homosexuals were prevented from participating in the “Chernobyl Path” action by its organizers. In 2010 one leader of an opposition youth organization announced that he will catch and pass to the police homosexuals who would try to appear at celebrations of the anniversary of the Chernobyl disaster. Some opposition groups refuse dialogue with the LGBT community and continue their homophobic policy. Their representatives publicly call gays and lesbians ill people who need a psychiatrist.

These parties not only oppose LGBT representatives themselves. They also discriminate against their own members who are trying to discuss the rights of LGBT representatives in opposition organizations. In 2010, the organization “Young Front” excluded from their ranks a man who tried to talk about homophobia within the organization.

Recently, the problem of the rights of homosexuals has been addressed by human rights organizations. But they stand for gay rights only in extreme cases of violence or discrimination. There are no comprehensive activities aimed at changing society's approach to homosexuality.

## **Outlook**

Belarusian LGBT community has been slowly awakening. After a 10 year break, when there was virtually no activity to promote and protect the rights of homosexuals, for the past three years the community has begun to organize itself again. Information, cultural and entertainment events are organized for the LGBT community. There are three vanguard groups with the goal to activate the milieu and defend its rights. Since 2008, a “Month against homophobia in Belarus” campaign has been held. Representatives of vanguard groups regularly meet and work together on many projects. Some political parties, such as the “Greens” or “Young Social Democrats - Young Hromada” have established committees for information and promotion of gay rights, affiliated to their organizations.

However, the Belarusian authorities have refused to register any social organization involved in the promotion and defence of the rights of homosexuals. All groups involved in it operate outside the law, and are threatened with criminal liability.

Recent political statements of the authorities about the prospects for bringing Belarus closer to European standards give hope that the Government will change the approach to sexual minorities, and that it will decrease the level of homophobia in society. The hardest thing to change is the attitude of the older generation and religious organizations, which have an extremely negative attitude towards homosexuals, as some opposition groups do.

International organizations are beginning to pay attention to the problems of Belarusian LGBT community. This year, reports about violations of the rights of gays and lesbians in Belarus have been published by the majority of international organizations. However, this does not translate into an actual Government effort. For the time being, state authorities try to avoid addressing publicly the issue of LGBT rights, thereby hindering any public debate on this subject.

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