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# **BELARUS 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Belarus is an authoritarian state. The constitution provides for a directly elected president who is head of state, and a bicameral parliament, the National Assembly. A prime minister appointed by the president is the nominal head of government, but power is concentrated in the presidency, both in fact and in law. Citizens were unable to choose their government through free and fair elections. Since his election as president in 1994, Aliaksandr Lukashenka has consolidated his rule over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. All subsequent presidential elections fell well short of international standards. The 2016 parliamentary elections also failed to meet international standards.

Civilian authorities, President Lukashenka in particular, maintained effective control over security forces.

Human rights issues included torture; arbitrary arrest and detention; life-threatening prison conditions; arbitrary or unlawful interference with privacy; undue restrictions on free expression, the press and the internet, including censorship, site blocking, and criminal libel and defamation of government officials; violence against and detention of journalists; severe restrictions on freedoms of assembly and association, including by imposing criminal penalties for calling for a peaceful demonstration and laws criminalizing the activities and funding of groups not approved by the authorities; restrictions on freedom of movement, in particular of former political prisoners whose civil rights remained largely restricted; failure to account for longstanding cases of politically motivated disappearances; restrictions on political participation; corruption in all branches of government; allegations of pressuring women to have abortions; and trafficking in persons.

Authorities at all levels operated with impunity and failed to take steps to prosecute or punish officials in the government or security forces who committed human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

During the year there were no reports that the government or its agents committed arbitrary or unlawful killings and no reports of deaths from torture.

### **b. Disappearance**

During the year there were no reports of new disappearances by or on behalf of government authorities. There were no developments in the reportedly continuing investigations into the 1999 disappearances of former deputy prime minister Viktor Hanchar, businessman Anatol Krasouski, and former interior minister Yuri Zakharka. There was evidence of government involvement in the disappearances, but authorities continued to deny any connection with them.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices. Nevertheless, the Committee for State Security (KGB), riot police, and other security forces, often without identification and in plain clothes, beat detainees on occasion. Security forces also reportedly mistreated individuals during investigations. Police occasionally beat persons during arrests.

Human rights advocates, opposition leaders, and activists released from detention facilities reported maltreatment and other forms of physical and psychological abuse of suspects during criminal and administrative investigations.

There were numerous reports of hazing of conscripts into the army that included beatings and other forms of physical and psychological abuse. Some of those cases reportedly resulted in deaths. For example, in October 2017 a senior official from the Investigative Committee announced a criminal investigation into alleged hazing and violence that preceded the discovery of the body of a 21-year-old soldier, Aliaksandr Korzhych, in the basement of his military barracks near Barysau. On November 5, the Minsk regional court sentenced three former sergeants to nine, seven, and six years in prison respectively for driving Korzhych to suicide by abusing and mistreating him. Authorities also charged the three with theft, bribery, and abuse of power. The sergeants claimed at hearings that investigators pressured them into testifying against themselves and admitting to the charges.

Korzhych's former commanders, Senior Lieutenant Paval Sukavenka and Chief Warrant Officer Artur Virbal, were tried separately for abuse of power and sentenced on October 19 to six and four years respectively.

At a press conference on February 14, Defense Minister Andrey Raukou committed to eradicating hazing and said the ministry had opened 48 criminal cases to investigate allegations of mistreatment and bullying in the armed forces. Accepting Korzhych's case as his "personal fault," Raukou said that the army registered three cases of suicide in 2017 and four cases in 2016. Raukou said that many of the conscripts involved in hazing had mental and psychological problems, histories of alcohol and drug abuse, criminal records, and lacked motivation to serve in the army.

On July 31, the Supreme Court reported that between January and June courts across the country convicted 28 officers on charges related to bullying, hazing, and abuse of power in the armed forces. Courts convicted 31 officers on similar charges in 2017. For example, on March 30, a district court in Barysau sentenced an army warrant officer to five years in jail for abusing his powers, taking bribes, and beating conscripts.

### **Prison and Detention Center Conditions**

Prison and detention center conditions remained poor and in many cases posed threats to life and health.

Physical Conditions: According to local activists and human rights lawyers, there were shortages of food, medicine, warm clothing, and bedding as well as inadequate access to basic or emergency medical care and clean drinking water. Ventilation of cells and overall sanitation were poor, and authorities failed to provide conditions necessary for maintaining proper personal hygiene. Prisoners frequently complained of malnutrition and low-quality uniforms and bedding. Some former political prisoners reported psychological abuse and sharing cells with violent criminals or prisoners with contagious diseases. The law permits family and friends to provide detainees with food and hygiene products and to send them parcels by mail, but authorities did not always allow this.

On November 15, the Minsk city court dismissed an appeal filed by Alena Doubovik and Maryna Doubina, who were detained for up to 14 days in March 2017 on charges related to unsanctioned demonstrations. The two activists complained that holding facilities in Minsk and Zhodzina did not have female

personnel to search them and that the two were deprived of privacy, including for personal hygiene, and were always visible to male officers.

Overcrowding of pretrial holding facilities, and prisons generally, was a problem.

Although there were isolated reports that police placed underage suspects in pretrial detention facility cells with adult suspects and convicts, authorities generally held juvenile prisoners separately from adults at juvenile penal colonies, arrest houses, and pretrial holding facilities. In general conditions for female and juvenile prisoners were slightly better than for male prisoners.

According to human rights NGOs and former prisoners, authorities routinely abused prisoners.

Credible sources maintained that prison administrators employed inmates to intimidate political prisoners and compel confessions. They also reported that authorities neither explained nor protected political prisoners' legal rights and excessively penalized them for minor violations of prison rules.

Observers believed tuberculosis, pneumonia, HIV/AIDS, and other communicable diseases were widespread in prisons because of generally poor medical care.

Administration: As in the previous year, authorities claimed to have conducted annual or more frequent investigations and monitoring of prison and detention center conditions. Human rights groups, however, asserted that such inspections, when they did occur, lacked credibility in view of the absence of an ombudsperson and the inability of reliable independent human rights advocates to visit prisons or provide consultations to prisoners.

On March 15, prison authorities in Horki refused to allow independent observers to meet with Mikhail Zhamchuzhny, cofounder of the prison monitoring NGO Platforma. According to human rights groups, Zhamchuzhny, who was serving a six and a half year sentence on charges of deliberately disclosing classified information and offering a bribe, was subject to mistreatment and inhuman prison conditions, including beatings by a fellow inmate. Human rights groups claimed that prison authorities continued to isolate Zhamchuzhny to punish him for allegedly violating prison regulations. The courts repeatedly dismissed Zhamchuzhny's complaints of mistreatment.

Prisoners and detainees had limited access to visitors, and denial of meetings with families was a common punishment for disciplinary violations. Authorities often denied or delayed political prisoners' meetings with family as a means of pressure and intimidation.

Although the law provides for freedom of religion, and there were no reports of egregious infringements, authorities generally prevented prisoners from holding religious services and performing ceremonies that did not comply with prison regulations.

Former prisoners reported that prison officials often censored or did not forward their complaints to higher authorities and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Prisoners also reported that prison administrators frequently refused to provide them with copies of responses to their complaints, which further complicated their defense. Complaints could result in retaliation against prisoners, including humiliation, death threats, or other forms of punishment and harassment.

Corruption in prisons was a serious problem, and observers noted that parole often depended on bribes to prison personnel or on a prisoner's political affiliation.

Independent Monitoring: Despite numerous requests to the Ministries of Internal Affairs and Justice, government officials refused to meet with human rights advocates or approve requests from NGOs to visit detention and prison facilities.

#### **d. Arbitrary Arrest or Detention**

The law limits arbitrary detention, but the government did not respect these limits. Authorities arrested or detained individuals for political reasons and used administrative measures to detain political activists before, during, and after protests and other major public events.

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs exercises authority over police, but other bodies outside of its control, for example, the KGB, the Financial Investigations Department of the State Control Committee, the Investigation Committee, and presidential security services exercise police functions. The president has the authority to subordinate all security bodies to his personal command and he maintained effective control over security forces. Impunity among law

enforcement personnel remained a serious problem. Individuals have the right to report police abuse to a prosecutor, although the government often did not investigate reported abuses or hold perpetrators accountable.

### **Arrest Procedures and Treatment of Detainees**

By law police must request permission from a prosecutor to detain a person for more than three hours, but police usually ignored this procedure and routinely detained and arrested individuals without warrants. Authorities may hold a criminal suspect for up to 10 days without filing formal charges and for up to 18 months after filing charges. By law, prosecutors, investigators, and security service agencies have the authority to extend detention without consulting a judge. Detainees have the right to petition the court system regarding the legality of their detention, but authorities frequently suppressed or ignored such appeals. The country has no functioning bail system.

Arbitrary Arrest: Authorities detained opposition and civil society activists for reasons widely considered politically motivated. In isolated cases authorities used administrative measures to detain political activists before, during, and after planned demonstrations and protests, as well as other public events.

On March 21, police arrested former presidential candidate and opposition activist Uladzimir Nyaklyaeu, European Belarus activist Maksim Vinyarski, and opposition activist Vyachyaslau Siuchyuk. The three supported former presidential candidate and opposition activist Mikalai Statkevich in his plans to lead an unauthorized march in central Minsk to mark the 100th anniversary of the Belarusian People's Republic (BPR) on March 25. Authorities sentenced Vinyarski to 10 days of administrative detention for posting an opposition banner in central Minsk in March. Siuchyuk was transported to a holding facility to serve five days in jail for participating in a September 2017 protest against the joint Russia-Belarus military exercise ZAPAD. Nyaklyaeu was also placed in a holding facility to serve 10 days for calling in an interview for persons to participate in unauthorized demonstrations in November 2017.

Despite wearing blue vests and badges, which marked them as “observers,” police detained the group of observers on March 25 while they were monitoring a protest in central Minsk. The observers complained police refused to provide them with access to their defense lawyers, kept them outside against the wall of the precinct building without food and water, and failed to ensure access to personal hygiene for up to eight hours before charging them with participating in an unauthorized

demonstration and resisting police. On April 13, investigators questioned human rights group Vyasna's observer Tatsyana Mastykina after she filed a complaint. Authorities dismissed the complaint and dropped all charges against the observers.

Pretrial Detention: Authorities may hold a criminal suspect for up to 10 days without filing formal charges. Prior to being charged, the law provides detainees with no access to their families or to outside food and medical supplies, both of which are vital in view of the poor conditions in detention facilities. Police routinely held persons for the full 10-day period before charging them.

Police often detained individuals for several hours, ostensibly to confirm their identity; fingerprinted them; and then released them without charge. Police and security forces frequently used this tactic to detain members of the democratic opposition and demonstrators, to prevent the distribution of leaflets and newspapers, or to break up civil society meetings and events.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees have the right to petition the court system regarding the legality of their detention, but authorities frequently suppressed or ignored such appeals. By law courts have 24 hours to issue a ruling on a detention and 72 hours on an arrest. Courts hold closed hearings in these cases, which the suspect, a defense lawyer, and other legal representatives may attend. Prosecutors, suspects, and defense lawyers may appeal lower court decisions to higher courts within 24 hours of the ruling. Higher courts have three days to rule on appeals, and their rulings may not be challenged. Further appeals may be filed only when investigators extend the period of detention.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but authorities did not respect judicial independence and impartiality. Observers believed corruption, inefficiency, and political interference with judicial decisions were widespread. Courts convicted individuals on false and politically motivated charges brought by prosecutors, and observers believed that senior government leaders and local authorities dictated the outcomes of trials.

As in previous years, according to human rights groups, prosecutors wielded excessive and imbalanced authority because they may extend detention periods without the permission of judges. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine

evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because the Prosecutor's Office controlled all technical expertise. According to many defense attorneys, this power imbalance persisted throughout the year, especially in politically motivated criminal and administrative cases. Courts did not exonerate criminal defendants except in rare circumstances.

By law, bar associations are independent, and licensed lawyers are permitted to establish private practices or bureaus. All lawyers must be licensed by the Ministry of Justice and must renew their licenses every five years.

No repressive or retaliatory measures against lawyers were reported during the year. In September 2017 a Ministry of Justice standing commission, which reviews lawyers' performance, found that prominent independent lawyer Ana Bakhtsina had "insufficient professional skills" to be a defense lawyer. Bakhtsina appealed the commission's decision revoking her license but her appeal was dismissed. Additionally, at least seven more defense lawyers were ordered to retake their bar exams within six months following the ministry's determination that their professional skills were "partially insufficient."

### **Trial Procedures**

The law provides for the right to a fair and public trial, but authorities occasionally disregarded this right.

The law provides for the presumption of innocence. Nevertheless, the lack of judicial independence, state media practice of reporting on high-profile cases as if guilt were already certain, and widespread limits on defense rights frequently placed the burden of proving innocence on the defendant.

The law also provides for public trials, but authorities occasionally held closed trials in judges' chambers. Judges adjudicate all trials. For the most serious cases, two civilian advisers assist the judge.

The law provides defendants the right to attend proceedings, confront witnesses, and present evidence on their own behalf, but authorities did not always respect these rights.

The law provides for access to legal counsel for the defendant and requires courts to appoint a lawyer for those who cannot afford one. Although by law defendants

may ask for their trials to be conducted in Belarusian, most judges and prosecutors were not fluent in this language, rejected motions for interpreters, and proceeded in Russian. Interpreters are provided when the defendant speaks neither Belarusian nor Russian. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers from representing individuals other than members of their organizations in court. The government's past attempts to disbar attorneys who represented political opponents of the regime further limited defendants' choice of counsel. The government also required defense attorneys to sign nondisclosure statements that limited their ability to release any information regarding the case to the public, media, and even defendants' family members.

Courts often allowed statements obtained by force and threats of bodily harm during interrogations to be used against defendants. Some defendants were tried in absentia.

Defendants have the right to appeal convictions, and most defendants did so. Nevertheless, appeals courts upheld the verdicts of the lower courts in the vast majority of cases.

### **Political Prisoners and Detainees**

Local human rights organizations reported several different lists of political prisoners in the country. Leading local human rights groups, including Vyasna and the Belarusian Helsinki Committee (BHC), recognized two individuals as prisoners of conscience.

Dzmitry Palienka, an opposition and anarchist movement activist who participated in the "Critical Mass" bicycle ride of April 2016, was sentenced to a two-year suspended term for using violence against a traffic police officer during his detention and for distributing pornographic images on social media in October 2016. He was rearrested and had the suspension of his sentence revoked in April 2017, allegedly for participating in unauthorized mass events. On a judge's order, he spent 18 months and 13 days (the remainder of the two-year sentence) in prison and was released in October. Local human rights advocates called for his unconditional and immediate release, pointing to the peaceful nature of the "Critical Mass" ride and all subsequent protest events in which Palienka participated.

Mikhail Zhamchuzhny, cofounder of the now-defunct prison monitoring NGO Platforma, continued to serve a six and a half year sentence. He was convicted in 2015 in a closed-door session for deliberately disclosing classified information, illegally acquiring or making equipment for obtaining classified information, and offering a bribe to an official.

Former political prisoners released in August 2015 continued to be unable to exercise some civil and political rights at year's end.

### **Civil Judicial Procedures and Remedies**

The law provides that individuals may file lawsuits seeking damages for a human rights violation, but the civil judiciary was not independent and was rarely impartial in such matters.

### **Property Restitution**

There are no laws providing for restitution or compensation for immovable private property confiscated during World War II and the Holocaust. The country also has no legislative regime for restitution of communal property or of heirless property. The government reported that, in the last 10 years, it did not receive any requests or claims from individuals, NGOs, or any other public organization, either Jewish or foreign, seeking compensation or restitution of any property.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but the government did not respect these prohibitions. Authorities used wiretapping, video surveillance, and a network of informers that deprived persons of privacy.

By law persons who obstruct law enforcement personnel in the performance of their duties may be penalized or charged with an administrative offense, even if the "duties" are inconsistent with the law. "Obstruction" could include any effort to prevent KGB or law enforcement officers from entering the premises of a company, establishment, or organization; refusing to allow KGB audits; or denying or restricting KGB access to information systems and databases.

The law requires a warrant before, or immediately after, conducting a search. Nevertheless, some democratic activists believed the KGB entered their homes

unannounced. The KGB has the authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry.

Security forces continued to target prominent opposition and civil society leaders with arbitrary searches and interrogations at border crossings and airports. On March 7, the independent Belarusian Trade Union of Workers of Radio and Electronics Industry (REP) reported that its deputy chair Zinaida Mikhnyuk and youth network coordinator Hanna Dous were briefly detained and searched at the Belarus-Lithuania border. Dous told the media that border officers searched her belongings without giving an explanation or bringing any charges.

While the law prohibits authorities from intercepting telephone and other communications without a prosecutor's order, authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups claimed that authorities monitored their conversations and activities. The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists during raids and by confiscating computer equipment.

The law allows the KGB, the Ministry of Internal Affairs, special security services, financial intelligence personnel, and certain border guard detachments to use wiretaps. Wiretaps require the permission of a prosecutor, but the lack of prosecutorial independence rendered this requirement meaningless.

The independent election observation group Prava Vybaru (Right to Choose) claimed that the two state-controlled television channels broadcast illegally wiretapped conversations between its activists. According to Prava Vybaru, the channels misrepresented the recording's content in order to discredit the group before February local elections.

The Ministry of Communications has the authority to terminate the telephone service of persons who violate telephone contracts, which prohibit the use of telephone services for purposes contrary to state interests and public order.

Authorities continued to harass family members of NGO leaders and civil society and opposition activists through selective application of the law. Maryna Adamovich, the spouse of opposition activist Mikalai Statkevich, told the press that the tires of their two cars were damaged on the eve of Statkevich's arrest on March 25. Adamovich filed a police complaint but there were no developments in the case.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press. The government did not respect these rights and enforced numerous laws to control and censor the public and media. Moreover, the state press propagated views in support of the president and official policies, without giving room for critical voices.

Freedom of Expression: Individuals could not criticize the president and the government publicly or discuss matters of general public interest without fear of reprisal. Authorities videotaped political meetings, conducted frequent identity checks, and used other forms of intimidation. Authorities also prohibited wearing facemasks, displaying certain historical flags and symbols, and displaying placards bearing messages deemed threatening to the government or public order.

On March 25, a Radio Liberty journalist reported that she and at least four individuals were detained for carrying white-red-white flags beyond the police perimeter near the Minsk Opera House, following a concert commemorating the 100th anniversary of the Belarusian People's Republic.

On September 10, police detained opposition activist Nina Bahinskaya for holding a banner that read "No to Communism" in central Minsk. Authorities fined her 1,225 rubles (\$612) for purportedly holding an unauthorized protest.

The law also limits free speech by criminalizing actions such as giving information that authorities deem false or derogatory to a foreigner concerning the political, economic, social, military, or international situation of the country.

Press and Media Freedom: Government restrictions limited access to information and often resulted in media self-censorship. State-controlled media did not provide balanced coverage and overwhelmingly presented the official version of events. Appearances by opposition politicians on state media were rare and limited primarily to those required by law during election campaigns. Authorities warned, fined, detained, and interrogated members of independent media.

By law the government may close a publication, printed or online, after two warnings in one year for violating a range of restrictions on the press.

Additionally, regulations give authorities arbitrary power to prohibit or censor reporting. The Ministry of Information may suspend periodicals or newspapers for three months without a court ruling. The law also prohibits media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs.

Limited information was available in the state-run press concerning the February 18 local elections, including on independent candidates.

While no independent media outlets, including newspapers and internet news websites, applied for registration to the Ministry of Information, they continued to seek to provide coverage of events. They operated, however, under repressive media laws, and most faced discriminatory publishing and distribution policies, including limiting access to government officials and press briefings, controlling the size of press runs of newspapers, and raising the cost of printing.

State-owned media dominated the information field and maintained the highest circulation through generous subsidies and preferences. There was no countrywide private television. The state-owned postal system, Belposhta, and the state distributor of printed publications, Belsayuzdruk, allowed the distribution of at least nine independent newspapers and magazines that covered politics, including *Novy Chas*, *Borisovskie Novosti*, and *Intexpress*, which have been banned from distribution for 11 years.

The exclusion of independent print media from the state distribution system and the requirement that private stores secure registration to sell newspapers and magazines effectively limited the ability of the independent press to distribute their publications.

International media continued to operate in the country but not without interference and prior censorship. Euronews and the Russian channels First Channel, NTV, and RTR were generally available, although only through paid cable services in many parts of the country and with a time lag that allowed the removal of news deemed undesirable.

At times authorities blocked, censored, or replaced their international news programs with local programming.

Violence and Harassment: Authorities continued to harass and detain local and foreign journalists routinely.

Security forces continually hampered efforts of independent journalists to cover demonstrations and protests in Minsk and across the country. The independent Belarusian Association of Journalists reported that, as of September 15, police fined, detained, and arrested at least 30 journalists who were performing their professional duties in more than 108 separate cases.

On August 7, the Investigative Committee reported it had opened a criminal case, based on materials submitted by the Interior Ministry's cybersecurity department, to investigate "illegal access to computer information stemming from personal interests which caused significant damages." The case was reportedly triggered by a complaint filed by state-run news agency *Belta*. The Interior Ministry's preliminary investigation found that "information held on *Belta's* computer systems was illegally accessed more than 15,000 times without the knowledge or agreement of *Belta* in 2017-2018." Authorities detained and interrogated more than 20 journalists from the independent news agencies *tut.by*, *BelaPAN*, *realt.by*, and *Deutsche Welle* among others. Investigators also searched their residences and offices, confiscating computer equipment. In November investigators charged 15 journalists for illegal access, including *BelaPAN* staff writer Tatsyana Karavenkova, *BelaPAN* chief editor Iryna Leushyna, and eight *tut.by* journalists, including Chief Editor Maryna Zolatava. Observers said the investigation and charges were disproportionate to the alleged crime, because the subscription-only *Belta* news service the journalists were accused of illegally accessing posted the same information for free public consumption shortly after its release to paid subscribers. Charges against all except Zolatava were later dropped when the journalists agreed to pay a penalty of 735 rubles (\$350) each and up to 17,000 rubles (\$7,980) in compensation for damage their actions allegedly caused. Zolatava was charged with "executive inaction" and faced up to five years in prison.

The government refused to recognize some foreign media, such as Poland-based Belsat TV and Radio Racyja, and routinely fined free-lance journalists working for them. As of September 25, at least 31 journalists were fined in 80 cases for not having government accreditation or cooperating with a foreign media outlet. According to the Belarusian Association of Journalists, freelance journalists received fines totaling more than 66,000 rubles (\$33,000). Most of the fines were imposed on journalists working for Belsat TV.

Censorship or Content Restrictions: The government exerted pressure on the vast majority of independent publications to exercise self-censorship, warning them not

to report on certain topics or criticize the government. The government tightly and directly controlled the content of state broadcast and print media. Television channels are required to air at least 30 percent local content. Local independent television stations operated in some areas and reported local news, although most were under government pressure to forgo reporting on national and sensitive issues or risk censorship.

Authorities allowed only state-run radio and television networks to broadcast nationwide. The government used this national monopoly to disseminate its version of events and minimize alternative or opposing viewpoints.

Authorities warned businesses not to advertise in newspapers that criticized the government. As a result, independent media outlets operated under severe budgetary constraints.

Libel/Slander Laws: Libel and slander are criminal offenses. There are large fines and prison sentences of up to four years for defaming or insulting the president. Penalties for defamation of character make no distinction between private and public persons. A public figure who is criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report. On November 22, authorities convicted a resident of the village of Vetryna in the Vitsyebsk region on charges of “publicly insulting the president” and causing a false bomb alert and sentenced him to two years of restricted freedom. The charges reportedly stemmed from the resident’s post on his social media, using derogatory language and saying that he allegedly planted a bomb at a local shopping center.

National Security: Authorities frequently cited national security as grounds for censorship of media.

### **Internet Freedom**

The government interfered with internet freedom by monitoring email and internet chat rooms. While individuals, groups, and publications were generally able to engage in the peaceful expression of views via the internet, including by email, all who did so risked possible legal and personal repercussions, and at times were believed to practice self-censorship. Opposition activists’ emails and other web-based communications were likely to be monitored.

Under amendments to the Media Law that came into force December 1, news websites and any internet information sources are subject to the same regulations as print media. If websites choose not to apply for registration, they can continue to operate but without the status of a media outlet. Unregistered online media cannot receive accreditation from state agencies for its correspondents, who will also not be able to cover mass events or protect sources of information, among other things. Registration requires the site to have an office located in nonresidential premises with a chief editor who is a citizen with at least five years of experience in managerial media positions.

Online news providers must remove content and publish corrections if ordered to do so by authorities and must adhere to a prohibition against “extremist” information. The law also restricts access to websites whose content includes promotion of violence, wars, or “extremist activities”; materials related to illicit weapons, explosives, and drugs; trafficking in persons; pornography; and information that may harm the national interests of the country. Authorities may block access to sites that fail to obey government orders, including because of a single violation of distributing prohibited information, without a prosecutor or court’s mandate. If blocked, a network publication loses its media registration. Owners of a website or a network publication will be able to appeal a decision to limit access to their sites or to deny restoring access to them in court within a month.

In addition, owners of internet sites may be held liable for users’ comments that carry any prohibited information, and these sites may be blocked. The amended law also mandates the creation of a database of news websites and identification of all commentators by personal data and cell phone numbers. If a news website receives two or more formal warnings from authorities, it may be removed from the database and lose its right to distribute information. On January 24, authorities blocked opposition news website Charter’97 for allegedly publishing information that harmed national interests. The Information Ministry claimed that the site ran articles announcing the time and venue of unauthorized demonstrations and published information on behalf of unregistered groups.

Authorities monitored internet traffic. By law the telecommunications monopoly Beltelekam and other organizations authorized by the government have the exclusive right to maintain internet domains.

A presidential edict requires registration of service providers and internet websites, and requires the collection of information on users at internet cafes. It requires

service providers to store data on individuals' internet use for a year and provide that information to law enforcement agencies upon request. Violations of the edict are punishable by prison sentences.

In response to the government's interference and internet restrictions, many opposition groups and independent newspapers switched to internet domains operating outside the country. Observers reported that the few remaining independent media sites with the country domain BY practiced self-censorship at times.

On several occasions, cyberattacks of unknown origin temporarily took down independent news portals and social networking sites.

According to various media sources, the number of internet users reached nearly seven million persons, or more than 70 percent of population, of which approximately 90 percent used the internet daily or numerous times a month. Internet penetration was approximately 83 percent among users ages 15 to 50.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events.

Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of Belarus under the leadership of Lukashenka. Government-mandated textbooks contained a heavily propagandized version of history and other subjects. Authorities obligated all schools, including private institutions, to follow state directives to inculcate the official ideology and prohibited schools from employing opposition members as their principals. The minister of education has the right to appoint and dismiss the heads of private educational institutions.

Use of the word "academic" was restricted, and NGOs were prohibited from including the word "academy" in their titles. Opportunities to receive a higher education in the Belarusian language (vice Russian) in the majority of fields of study were scarce. While the administrations of higher educational institutions made no effort to accommodate students wishing to study in Belarusian-language classes, on March 27 authorities registered as a legal entity a private university, named after prominent Belarusian poet Nil Hilevich, where all instruction will be in the Belarusian language. In September the university, run by the independent Belarusian Language Society and funded from private sources, opened pre-

enrollment courses for students to major in the humanities, linguistics, and other disciplines.

Students, writers, and academics said authorities pressured them to join ostensibly voluntary progovernment organizations, such as the Belarusian Republican Youth Union (BRYU) and the Union of Writers of Belarus. Students who declined to join the BRYU risked economic hardships, including lack of access to dormitories, which effectively limited their ability to attend the country's top universities.

Students from various universities and colleges reported to an independent election-monitoring group that their faculties were pressuring students into early voting by threatening them with eviction from their dormitories. Additionally, authorities at times reportedly pressured students to act as informants for the country's security services.

According to a Ministry of Education directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must ensure the proper ideological education of students. School officials, however, cited poor academic performance or absence from classes as the official reason for expulsions. In January Belarus State University expelled Hanna Smilevich, a Belarusian Popular Front youth group member, after she had become chair of the group in December 2017.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for freedom of peaceful assembly; however, the government severely restricted this right. Authorities employed a variety of means to discourage demonstrations, disperse them, minimize their effect, and punish the participants. The law provides for freedom of association, but the government restricted it and selectively enforced laws and registration regulations to restrict the operation of independent associations that might criticize the government.

### **Freedom of Peaceful Assembly**

Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons. Authorities usually denied requests by independent and opposition groups as well as those of self-organized citizens' groups in various communities around the country. A general atmosphere of repression and the threat of imprisonment or large fines exercised a chilling effect on potential protest organizers.

The law criminalizes the announcement of an intention to hold demonstrations via the internet or social media before official approval, participation in the activities of unregistered NGOs, training of persons to demonstrate, financing of public demonstrations, or solicitation of foreign assistance “to the detriment” of the country. Violations are punishable by up to three years’ imprisonment. Persons with unexpunged criminal records for crimes related to violating peace and order, statehood and governance, public security, safety, and public morals did not have the right to act as mass event organizers. Such organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting, and government officials are required to respond no later than five days prior to the scheduled event. Authorities, however, generally granted permits for opposition demonstrations only if held at designated venues far from city centers. The amended law allowed organizers to notify authorities of a mass event planned at a designated location no later than 10 days before the date of the event. Authorities should inform organizers of denial no later than five days before the event. By law denials can be issued for one of two reasons: the event conflicted with one organized by a different individual or group or the notification did not comply with regulations.

Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and imposed heavy fines or jail sentences on participants in unauthorized demonstrations. In addition authorities required organizers to conclude contracts with police, fire department, health, and sanitary authorities for their services after a mass event. Authorities waived some of these requirements for the March 25 celebration of the 100th anniversary of the Belarusian People’s Republic (BPR). All media representatives had to be clearly identified and carry an official media ID or foreign media accreditation. They have to provide their personal ID and press documents to law enforcement upon request.

On March 27, President Lukashenka told Interior Minister Ihar Shunevich that the Ministry should be ready to “immediately suppress” any unauthorized events which “impede people’s lives” because “chaos stems from them [unauthorized protests].” Shunevich responded that “not a single event, which is not sanctioned by authorities, will take place, and even if it starts it will be immediately stopped in an effective manner and in compliance with the law.”

During the year local authorities countrywide rejected dozens of applications for permission to stage various demonstrations.

While Minsk city authorities cooperated with opposition groups to stage a rally and concert on the 100 anniversary of the Belarusian People's Republic in front of the Opera House on March 25, they denied two other applications to hold marches the same day. Organizers of the concert had sought to walk from a nearby park to the concert location before the concert. A second application was filed by opposition activist Mikalai Statkevich and his supporters to march from the central Yakub Kolas square via the main avenue to the concert location. When Statkevich decided to go ahead with his plan without permission, police arrested him as he was leaving his home. Police also arrested approximately 60 individuals gathered at Yakub Kolas square.

In addition, authorities in Mahilyou and Homyel denied local activists' permission to hold rallies in city centers on March 25. They alleged that the venues were not designated for mass events or had been already booked for other events.

Across the country in at least 11 different localities, approximately 57 individuals were briefly detained, apparently in order to prevent their participation in March 25 events in Minsk.

On July 3, celebrated as the Belarusian Independence Day, police dispersed an unauthorized protest and detained approximately 30 individuals, including Mikalai Statkevich, in front of a WWII monument to Soviet soldiers in central Minsk. Statkevich called upon his associates to hold a rally to mark the "liberation [of Minsk from the Nazis on July 3, 1944] and solidarity." Statkevich was arrested as he was leaving his house on his way to the site on July 3. Police detained approximately 30 activists at the site, including five observers from the human rights group Vyasna, transported them to a local precinct, and released the majority later in the day. Statkevich and at least three other activists remained in detention overnight and stood trial on July 4. A Minsk district court sentenced Statkevich to a fine of 980 rubles (\$490) for making calls to participate in an unauthorized protest on July 3.

From June through October, authorities fined, detained, or arrested more than 20 protesters at the site of the Stalinist-era execution site Kurapaty. The protesters opposed the building and operation of a restaurant in close vicinity to the site. While police repeatedly fined the majority of activists for purportedly violating traffic regulations and participating in unauthorized demonstrations, a number of protesters, including Belarusian Christian Democracy (BCD) party cochair Paval Sevyarynets, European Belarus campaign activist Maksim Vinyarski, and

filmmaker Alyaksei Tourovich were sentenced to up to 10 days of administrative detention.

### **Freedom of Association**

All NGOs, political parties, and trade unions must receive Ministry of Justice approval to become registered. A government commission reviews and approves all registration applications; it based its decisions largely on political and ideological compatibility with official views and practices.

Actual registration procedures required applicants to provide the number and names of founders, along with a physical address in a nonresidential building for an office, an extraordinary burden in view of the tight financial straits of most NGOs and individual property owners' fears of renting space to independent groups. Individuals listed as members were vulnerable to reprisal. The government's refusal to rent office space to unregistered organizations and the expense of renting private space reportedly forced most organizations to use residential addresses, which authorities could then use as a reason to deny registration or to deregister them. The law criminalizes activities conducted on behalf of unregistered groups and subjects group members to penalties ranging from large fines to two years' imprisonment (also see section 7.a.).

The law on public associations prohibits NGOs from keeping funds for local activities at foreign financial institutions. The law also prohibits NGOs from facilitating provision of any support or benefits from foreign states to civil servants based on their political or religious views or ethnicity, a provision widely believed to be aimed at the Polish minority.

Only registered NGOs may legally accept foreign grants and technical aid and only for a limited set of approved activities. NGOs must receive approval from the Department for Humanitarian Affairs of the Presidential Administration and the Ministry of the Economy for technical aid before they may accept such funds or register the grants.

The government continued to deny registration to some NGOs and political parties on a variety of pretexts, including "technical" problems with applications. Authorities frequently harassed and intimidated founding members of organizations in an effort to force them to abandon their membership and thus deprive their groups of the number of petitioners necessary for registration. Many groups had been denied registration on multiple occasions.

On March 21, Minsk city authorities registered an educational NGO called “Out Loud.” This was the group’s ninth registration application under its previous name, “Make Out,” which the government requested it change before granting registration. The NGO focused on advancing the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and countering discrimination and violence against them.

On April 6, the BCD reported that the Ministry of Justice denied its seventh registration application. The ministry said the BCD had failed to include phone numbers of some of its members and had incorrectly listed the birth dates of two party founders in its application documents. The party submitted the application on January 22, and the ministry decided to suspend the registration process and seek additional documents on February 23. The Supreme Court upheld the ministry’s denial on May 25.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government at times restricted the right of citizens, former political prisoners in particular, to foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Passports serve as a form of identity and authorities required them for permanent housing, work, and hotel registration. Police continued to harass selectively individuals who lived at a location other than their legal place of residence as indicated by mandatory stamps in their passports.

The law also requires persons who travel to areas within 15 miles of the border (aside from authorized crossing points) to obtain an entrance pass.

Foreign Travel: The government’s database of persons banned from traveling abroad contained the names of individuals who possessed state secrets, faced

criminal prosecution or civil suits, or had outstanding financial obligations. Authorities informed some persons by letter that their names were in the database; others learned only at border crossings. The Ministry of Internal Affairs and security agencies, border and customs services, and financial investigation departments have a right to place persons on “preventive” surveillance lists.

The Ministry of Internal Affairs is also required to track citizens working abroad, and employment agencies must report individuals who do not return from abroad as scheduled.

Exile: The law does not allow forced exile, but sources asserted that security forces continued to threaten some opposition members with bodily harm or prosecution if they did not leave the country, and many were in self-imposed exile.

Many university students who were expelled or believed they were under the threat of expulsion for their political activities opted for self-imposed exile and continued their studies abroad.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and complementary and temporary protection to foreign citizens and stateless persons, with some exceptions. The government has established a procedure for determining refugee status and a system for providing protection to refugees. The law provides for protection against refoulement granted to foreigners who are denied refugee status or temporary protection but cannot be returned to their countries of origin.

All foreigners except Russians have the right to apply for asylum. According to the terms of the Union Treaty with Russia, Russians may legally settle and obtain residence permits in the country based on their Russian citizenship. Overall, as of October 1, immigration authorities accepted 463 applications for asylum compared with 596 in 2016, including from 359 Ukrainians, 10 Syrians, eight Afghans, and 12 Pakistanis.

In addition to refugee status, the country’s asylum law provides for complementary protection in the form of temporary residence. In the period January-September, 364 foreigners were granted complementary protection (333 Ukrainians, 14 Syrians, six Yemenis, seven Afghans, one Georgian, and three Egyptians).

Freedom of Movement: Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to authorities while their applications are being considered, including during appeals. Authorities reportedly often encouraged asylum seekers to settle in rural areas; however, the majority settled in cities and towns. Change of residence was possible with a notification to authorities. Authorities issue registered asylum seekers certificates that serve as documents to confirm their status of asylum-seekers and identity and protect them from expulsion. In accordance with the law, they also must register with local authorities at their place of residence.

Durable Solutions: Adult asylum seekers have to pay for higher education as well as for nonemergency medical services while minors receive education and medical services free of charge. Free legal assistance, housing, and language training are not available to either asylum seekers or refugees.

Temporary Protection: Although the government may provide temporary protection (for up to one year) to individuals who may not qualify as refugees, it did not do so during the year.

### **Stateless Persons**

As of July 1, the Ministry of the Interior and UNHCR listed 6,618 stateless persons in the country; all had permanent residence, according to authorities.

Permanently resident stateless persons held residence permits and were treated comparably to citizens in terms of access to employment, with the exception of a limited number of positions in the public sector and law enforcement that were available only to citizens. There were reports that stateless persons occasionally faced discrimination in employment, since authorities often encouraged them to settle in rural areas where the range of employment opportunities was limited. According to UNHCR stateless persons could freely change their region of residence.

There is a path towards citizenship for this stateless population. The main requirement is at least seven years' permanent residence. Authorities have a procedure for expedited naturalization but mostly for individuals born or permanently residing in the country prior to the collapse of the Soviet Union, ethnic Belarusians, their spouses, and descendants. If a child is born into a family

of stateless persons permanently residing in the country, the child is entitled to Belarusian citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government consistently denied citizens this ability by not conducting elections according to international standards.

Since his election in 1994 to a four-year term as the country's first president, Lukashenka has steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the branches. Flawed referendums in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent elections, including the presidential elections held in 2015 and parliamentary elections held in 2016, continued to deny citizens the right to express their will in an honest and transparent process including fair access to media and to resources.

#### **Elections and Political Participation**

Recent Elections: According to independent local observation groups, the February 18 local elections were marred by numerous violations, including inflated early and election day turnout, multiple voting, nontransparent home voting, and nontransparent vote tabulation across the country. On February 19, the Central Election Commission (CEC) reported official turnout of 77.05 percent.

Independent observers noted that a number of opposition candidates were denied registration for far-fetched reasons and that the registration process was not open to observers. In a number of cases, commissions removed independent observers from polling stations for allegedly interfering with their work and banned them from videotaping or taking photos. Human rights monitors, independent observers, and experts concluded that elections did not comply with international standards and that authorities dismissed the majority of complaints filed by opposition candidates, their representatives, or independent observers.

Government authorities do not invite OSCE/ODIHR observers to local elections.

The September 2016 parliamentary elections failed to meet international standards. For the first time in 12 years, however, alternative voices were seated in parliament. The elections were marred by a number of long-standing systemic shortcomings, according to the OSCE/ODIHR, OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe international election observation mission intermediate report. While the observer missions and the international community welcomed visible efforts by authorities to make some procedural improvements, a number of key long-standing recommendations by the OSCE/ODIHR and Council of Europe Venice Commission remained unaddressed.

The 2016 OSCE report found that the legal framework restricts political rights and fundamental freedoms and was interpreted in an overly restrictive manner. While there was an overall increase in the number of candidates, including from the opposition, media coverage did not enable voters to make an informed choice, and the campaign lacked visibility. As in past years, only a negligible number of election commission members were appointed from opposition nominees, which undermined confidence in the commission's independence. The early voting, counting, and tabulation procedures continued to be marred by a significant number of procedural irregularities and a lack of transparency.

Local human rights groups Vyasna and the BHC stated at a postelection press conference that based on their observation the election fell short of international standards and did not fully abide by the country's legislation. They especially noted their concern regarding early voting procedures, the lack of transparency in the vote-count process, and the domination of election commissions by progovernment organizations.

Political Parties and Political Participation: Authorities routinely harassed and impeded the activities of opposition political parties and activists. Some opposition parties lacked legal status because authorities refused to register them, and the government routinely interfered with the right to organize, run for election, seek votes, and publicize views. The government allowed approximately half a dozen largely inactive but officially registered pro-Lukashenka political parties to operate freely.

During the year authorities fined and arrested opposition political parties' leaders for violating the Law on Mass Events and participating in numerous unauthorized demonstrations. The law allows authorities to suspend parties for six months after one warning and close them after two. Members of parties that authorities refused to register, such as the Belarusian Christian Democracy Party, continued to be

subjected to harassment and arbitrary checks. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

Authorities continued to limit activities of the unrecognized Union of Poles of Belarus and harass its members.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process but patriarchal social attitudes disfavored women's efforts to achieve positions of power.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government regularly prosecuted officials alleged to be corrupt; however, reports indicated that some officials continued to engage in corrupt practices with impunity. The World Bank's *Worldwide Governance Indicators* reflected that corruption was a serious problem in the country.

In 2016 the Group of States against Corruption (GRECO) released a summary of the interim compliance report that stated the government partially implemented only one of the 20 recommendations made by the Council of Europe's anticorruption monitoring body in June 2015. GRECO noted the "lack of an evidence-based comprehensive strategy and a plan of action for the fight against corruption, and of a mechanism that does not only involve the law enforcement agencies to monitor its implementation independently, comprehensively and objectively." In its annual report released in May, GRECO stated that the government's implementation of the group's recommendations was "unsatisfactory."

Individuals dismissed for lower-level corruption face a five-year ban on public-service employment, while those found to have committed more serious abuses are banned indefinitely from government employment. The law also allows seizure of property worth more than 25 percent of a public servant's yearly income for those found guilty of corrupt practices. The law provides for public monitoring of the government's anticorruption efforts.

Corruption: According to official sources, most corruption cases involved soliciting and accepting bribes, fraud, and abuse of power, although anecdotal

evidence indicated such corruption usually did not occur as part of day-to-day interaction between citizens and minor state officials.

The absence of independent judicial and law enforcement systems, the lack of separation of powers, and a harried independent press largely barred from interaction with a nontransparent state bureaucracy made it virtually impossible to gauge the scale of corruption or combat it effectively.

The Prosecutor General's Office is responsible for organizing and coordinating activities to combat corruption, including monitoring law enforcement operations, analyzing the efficacy of implemented measures, supervising engaged parties, and drafting further legislation.

In June the Prosecutor General's Office reported that from January to May authorities investigated 1,107 corruption cases compared with 584 cases in the same period in 2017. The most corrupt sectors were state administration and procurement, the industrial sector, the construction industry, health care, and education.

There were numerous corruption prosecutions during the year, but prosecutions remained selective, nontransparent, and in some cases appeared politically motivated, according to independent observers and human rights advocates. For example, the head of the KGB, Valery Vakulchyk, stated on October 5 that approximately one hundred head doctors from the regions and Minsk, officials of the healthcare ministry, including a deputy minister, representatives of local pharmaceutical productions, and owners of pharmacy businesses were investigated for numerous accounts of corruption related to procurement of medicines and equipment.

Financial Disclosure: Anticorruption laws require income and asset disclosure by appointed and elected officials, their spouses, and members of households who have reached legal age and continue to live with them in the same household. According to the law, specialized anticorruption departments within the Prosecutor General's Office, the KGB, and the Internal Affairs Ministry monitor and verify anticorruption practices, and the prosecutor general and all other prosecutors are mandated to oversee the enforcement of anticorruption law. These declarations were not available to the public. An exception applies to candidates running in presidential, parliamentary, and municipal elections. There are administrative sanctions and disciplinary penalties for noncompliance.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

There were a number of active domestic human rights NGOs, although authorities were often hostile to their efforts, restricted their activities, selectively cooperated with them, and were not responsive to their views.

Two prominent human rights NGOs--the BHC and the Center for Legal Transformations--operated as registered entities. The government refused to register a number of others, placing them at risk under the criminal code that criminalizes organizing or participating in any activity by an unregistered organization. The law also prohibits persons from acting on behalf of unregistered NGOs. Nonetheless, some unregistered NGOs, including Vyasna and Legal Assistance to the Population, continued to operate.

Authorities harassed both registered and unregistered human rights organizations. They subjected them to frequent inspections and threats of deregistration, reportedly monitored their correspondence and telephone conversations, and harassed family members of group leaders and activists. The government ignored reports issued by human rights NGOs and only met with registered groups. State-run media rarely reported on human rights NGOs and their activities.

During the year the BHC's bank accounts remained blocked due to long-standing tax arrears related to foreign funding in the early 2000s, but the government allowed the committee to operate without other interference.

Authorities were reluctant to engage on human rights problems with international human rights NGOs or other human rights officials, and international NGO representatives often had difficulty gaining admission to the country. Authorities routinely ignored local and international groups' recommendations on improving human rights in the country and requests to stop harassing the human rights community.

Authorities may close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what it considered illegal forms of foreign assistance and permits the Ministry of Justice to monitor any NGO activity and to review all NGO documents. NGOs also must submit detailed

reports annually to the ministry regarding their activities, office locations, officers, and total number of members.

The United Nations or Other International Bodies: On September 28, the UN Human Rights Council appointed Anais Marin as the new Special Rapporteur on Belarus. On October 1, Belarusian MFA Spokesperson Anatoli Hlaz stated that the government continued to speak against “the politicized” mandate of the rapporteur and did not recognize it. The previous rapporteur, Miklos Haraszti, whose mandate expired on October 31, published his final report at the 73rd session of the UNGA’s Third Committee on October 24, noting that the human rights record in Belarus had not improved in his six-year tenure. In a response, a Belarusian diplomat, Counsellor Ina Vasileuskaya, called the report and Haraszti’s speech “a farce.”

Government Human Rights Bodies: The government took minor steps to implement the Human Rights Action Plan adopted in 2016 to outline, in the government’s words, “main activities for us to implement our international obligations” on human rights. In addition to holding various conferences and seminars jointly with UN organizations, the government ratified the Convention on the Rights of Persons with Disabilities in 2016. While independent human rights groups, including the human rights center Vyasna and the BHC, welcomed the plan’s adoption, they also noted that the documents lack specific target goals or results assessment mechanisms. Civil society groups noted that the government failed to include any of the concrete suggestions they recommended during drafting that they believed would have made the plan more substantial.

A standing commission on human rights in the lower chamber of parliament was ineffective.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape in general but does not include separate provisions on marital rape. Rape was a problem. According to the Ministry of Internal Affairs, there were 184 registered cases of rape or attempted rape in 2017.

Domestic violence was a significant problem, and the government took measures to prevent it during the year. The government issued protective orders mandating

the separation of victims and abusers and provided temporary accommodations for the duration of the orders. It also operated crisis rooms that provided limited shelter and psychological and medical assistance to victims.

The law on crime prevention establishes a separate definition of domestic violence and provides for implementation of protective orders, which are from three to 30 days in duration. The law requires authorities to provide victims and abusers with temporary accommodation until the protective orders expire. In addition, the code on administrative offenses prescribes a large fine or detention for up to 15 days for battery, intended infliction of pain, and psychological or physical suffering committed against a close family member.

On November 26, a senior representative of the Interior Minister stated every third person killed in the country was killed by a family member and that in January-October the ministry identified 115 women as victims of murder and severe bodily harm in crimes related to domestic violence, 41 of whom died. From January-August authorities also issued approximately 5,500 protective orders, including 5,000 ordering perpetrators to move out of residences shared with their victims.

On April 25, authorities arrested a resident of the city of Valozhyn on a charge of beating his spouse to death. The family, with two minor children, lived in a dormitory, and their neighbors told police the victim had complained of abuse and domestic violence. According to witnesses and press reports, the victim sustained at least 30 severe injuries. The case was pending at year's end.

Sexual Harassment: Sexual harassment reportedly was widespread, but no specific laws, other than those against physical assault, address the problem.

Coercion in Population Control: Women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies.

Discrimination: The law provides for equal treatment of women with regard to property ownership and inheritance, family law, equal pay for equal work (although in practice women were often paid less), and in the judicial system, and the law was generally respected.

## **Children**

Birth Registration: Citizenship is derived either by birth within the country or from one's parents. A child of a citizen is a citizen regardless of place of birth, even if one parent is not a citizen. Births were generally registered immediately.

Child Abuse: Authorities intervened to prevent child abuse stemming from domestic violence and identified families in vulnerable conditions, providing foster care to children who could not remain with their immediate families while preventive work was underway. Although the government increased prosecution of child abusers, its efforts to address the causes of child abuse were inadequate. The government instituted a 2017-21 comprehensive national plan to improve childcare and the protection of children's rights, including for victims of child abuse, domestic violence, and commercial sexual exploitation, and acknowledged a lack of funding and inefficiency in executing certain protective measures.

With assistance from NGOs that promote children's rights, authorities extensively employed procedures for on-the-record, one-time interviewing of child abuse victims in the framework of investigations or criminal cases at specialized facilities under the direct supervision of psychologists. Courts used recorded testimony to avoid repeatedly summoning child abuse victims for hearings. More experienced judges with expertise in developmental psychology, psychiatry, and education generally heard cases that affected the rights and legitimate interests of minors. The government failed to resume operations of a national hotline for assisting children despite various NGOs' requests to support the hotline.

A UNICEF report, released in March, registered children's and parents' low awareness of existing types of violence against children; limited capacity of professionals to identify, register, report, and address incidents of violence, and weak collaboration on violence prevention and response among professionals. In addition, the report found an inadequate monitoring system that operated only with data on investigated crimes against children and cases of child separation because of identified violence in the home.

As of January the Ministry of Education ran 138 social-educational centers nationwide for minor victims of any type of violence or minors finding themselves in vulnerable and dangerous conditions. General health-care institutions provided a wide range of medical aid to child abuse victims free of charge.

According to the UNICEF study, two-thirds of professionals reported they had never had training on violence against children. One-third of professionals said

that specialists working with children often ignored or concealed facts of violence in their institutions.

Rape or sexual assault of a person known to be a minor is punishable by up to 15 years' imprisonment. Sexual acts between a person older than 18 and a person known to be younger than 16 carry penalties of up to five years imprisonment.

Early and Forced Marriage: The legal minimum age of marriage for both boys and girls is 18, although girls as young as 14 may marry with parental consent. There were reports of early marriage in which girls as young as 14 and boys as young as 16 married with parental consent.

Sexual Exploitation of Children: The minimum age for consensual sex is 16. Prostitution of children was a problem, and the government took some steps to address it. From January through October, the Internal Affairs Ministry investigated 63 cases of the production and distribution of child pornography and identified 25 minors as victims. The law provides penalties of up to 13 years in prison for production or distribution of pornographic materials depicting a minor. The law generally was enforced. The law, however, failed to criminalize all forms of child sex trafficking by requiring a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense.

Institutionalized Children: There was no system for monitoring child abuse in orphanages or other specialized institutions. Authorities did not publicly report on any child abuse incidents in institutions. There were allegations of abuse in foster families. The government opened or continued investigations into some of these cases.

The UNICEF study reported that more than two in five children at residential care institutions were exposed to either physical or psychological violence. Approximately one in four children participating in the survey reported exposure to physical violence at institutions. The children living in institutions appeared significantly more vulnerable compared to children living in families: they had two to three times higher exposure to violence than children from secondary schools. Children from special closed-type educational institutions and penitentiary institutions reported greater exposure to violence both at home and in the institutions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the

Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

The Jewish community estimated that between 30,000 and 40,000 Jews lived in the country.

Anti-Semitic incidents continued. Jewish community and civil society activists expressed concern regarding pan-Slavic nationalism professed by some extremist groups. Neo-Nazis, such as the Russian National Unity group and supporters of similar groups were widely believed to be behind anti-Semitic incidents across the country. Anti-Semitic and xenophobic newspapers, literature, digital video discs, and videotapes, frequently imported from Russia, were widely available. The government did not promote antibias and tolerance education.

Media continued to report that many Holocaust memorials built in Soviet times and more recently do not acknowledge Jewish victims. The Jewish community continued to work with local authorities to erect new monuments that specifically commemorate Jewish victims.

During the year authorities convicted a number of offenders who reportedly associated themselves with neo-Nazis or skinhead movements for inciting ethnic and religious hatred against Jews, among others. On February 27, a court in the Vitsyebsk region sentenced a resident in Navapolatsk to three years in prison for posting racist videos on social media. In a similar case, authorities convicted an individual from the Baranavichy district of posting videos with anti-Semitic content and sentenced him to a year and a month in jail on April 18.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and discrimination was common.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities, but few public areas were wheelchair accessible or accessible for hearing and vision-impaired persons. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and stated their residences were not suitable to accommodate persons with physical disabilities. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations considered this figure inflated, although the situation slightly improved during the year.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 80 such institutions across the country housed more than 19,000 persons. Disability rights organizations reported that the quality of care in these facilities was low, and instances of fundamental human rights violations, harassment, mistreatment, and other abuse were reported. Authorities frequently placed persons with physical and mental disabilities in the same facilities and did not provide either group with specialized care.

Public transportation was free to persons with disabilities, but the majority of subway stations in Minsk and the bus system were not wheelchair accessible. In September 2017 experts of the ACT NGO released a monitoring report indicating that 3.3 percent of all educational institutions across the country were accessible to persons with disabilities, including with vision and hearing disabilities, and most of these facilities were recently constructed.

Disability rights organizations reported difficulty organizing advocacy activities due to impediments to freedom of assembly, censorship, and the government's unwillingness to register assistance projects (see section 2.b.).

Persons with disabilities, especially those with vision and hearing disabilities, often encountered problems with access to courts and obtaining court interpreters. Women with disabilities often faced discrimination, and there were reports of authorities attempting to take children away from families in which parents had disabilities, claiming that they would not appropriately care for their children. Women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies.

## **National/Racial/Ethnic Minorities**

Governmental and societal discrimination against Roma persisted. According to leaders of the Romani communities, security and law enforcement agencies arbitrarily detained, investigated, and harassed Roma, including by forced fingerprinting, mistreatment in detention, and ethnic insults.

Authorities continued to harass the independent and unregistered Union of Poles of Belarus, while supporting a progovernment organization of a similar name. On November 19, independent media sources reported that authorities in Minsk interrupted a concert, organized by the unregistered union to mark the 100th anniversary of Poland's regained independence. It was their fourth attempt to hold the event after three denied requests to rent premises.

Official and societal discrimination continued against the country's 7,000 (according to the 2009 census) to 60,000 (according to Romani community estimates) Roma. The Romani community continued to experience marginalization, various types of discrimination, high unemployment, low levels of education, and lack of access to social services. Roma generally held citizenship, but many lacked official identity documents and refused to obtain them.

There were also expressions of hostility toward proponents of the national culture that the government often identified with actors of the democratic opposition, repeatedly labeled by the president as "the fifth column." Because the government viewed many proponents of the Belarusian language as political opponents, authorities continued to harass academic and cultural groups that sought to promote Belarusian and routinely rejected proposals to widen use of the language.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex conduct between adults is not illegal, but discrimination against LGBTI persons was widespread, and harassment occurred. The law does not provide antidiscrimination protections to LGBTI individuals on the basis of their sexual orientation, gender identity or expression, or sex characteristics. Societal discrimination against LGBTI activists persisted with the tacit support of the regime. Police continued to mistreat LGBTI persons and refused to investigate crimes against them.

On June 29 and July 21, police disrupted parties organized by an LGBTI group at a nightclub in Minsk and wrote down everyone's names as well as their places of employment or education. Officers reportedly claimed they received notices of possible crimes, including drug trafficking and abuse of minors, at the club.

The government allows transgender persons to update their name and gender marker on national identification documents, but these documents retain old identification numbers that include a digit indicating the individual's sex assigned at birth. Transgender persons reportedly were refused jobs when potential employers noted the "discrepancy" between the applicant's identification number and their gender marker. Banks also refused to open accounts for transgender persons on the same grounds.

According to local media, on July 31 authorities refused a foreign LGBTI rights activist entry to Belarus at the Minsk National Airport. A representative of the border service told the media the decision was made in accordance with a law that says a foreigner can be denied entry if his or her presence in the country ran counter to national security, public order, the protection of morality, public health, or the rights and liberties of the citizens of Belarus and other persons. The LGBTI organization Out Loud stated the activist planned to deliver a lecture in Minsk on discrimination and street violence against migrants, nonwhite, and transgender persons.

### **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy social stigma. The Joint UN Program on HIV/AIDS noted there were numerous reports of HIV-infected individuals who faced discrimination, especially at workplaces and during job interviews. There were also frequent reports of family discrimination against HIV/AIDS-positive relatives, including preventing HIV/AIDS-positive parents from seeing their children or requiring HIV/AIDS-positive family members to use separate dishware.

The government continued to broadcast and post public service advertisements raising awareness concerning HIV/AIDS and calling for greater tolerance toward persons infected with the virus.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Although the law provides for the rights of workers, except state security and military personnel, to form and join independent unions and to strike, it places a number of serious restrictions on the exercise of these rights. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination. Workers who say they are fired for union activity have no explicit right to reinstatement or to challenge their dismissal in court, according to independent union activists.

The law provides for civil penalties in the form of fines for violations of the freedom of assembly or collective bargaining, which, according to local worker rights advocates, were not sufficient to deter violations. The government also did not enforce these penalties.

The government severely restricted independent unions. The government-controlled Federation of Trade Unions of Belarus is the largest union federation, claiming more than four million members. It largely resembled its Soviet predecessors and served as a control mechanism and distributor of benefits. The Belarusian Congress of Democratic Trade Unions (BCDTU), with four constituent unions and approximately 10,600 members of independent trade unions, was the largest independent union umbrella organization, but tight government control over registration requirements and public demonstrations made it difficult for the congress to organize, expand, and strike.

The government did not respect freedom of association and collective bargaining. Prohibitive registration requirements that any new independent union have a large membership and cooperation from the employer continued to present significant obstacles to union formation. Trade unions may be deleted from the register by a decision of the registrar, without any court procedure. The registrar may remove a trade union from the register if, following the issuance of a written warning to the trade union stating that the organization violates legislation or its own statutes, the violations are not eliminated within a month. Authorities continued to resist attempts by workers to leave the official union and join the independent one.

The legal requirements to conduct a strike are high. For example, strikes may only be held three or more months after dispute resolution between the union and employer has failed. The duration of the strike must be specified in advance. Additionally, a minimum number of workers must continue to work during the strike. Nevertheless, these requirements were largely irrelevant, since the unions that represented almost all workers were under government control. Government

authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements. Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal. Union members who participated in unauthorized public demonstrations were subjected to arrest and detention. Due to a persistent atmosphere of repression and the fear of imprisonment, few public demonstrations took place during the year.

The Law on Mass Events also seriously limited demonstrations, rallies, and other public action, constraining the right of unions to organize and strike. No foreign assistance may be offered to trade unions for holding seminars, meetings, strikes, pickets, etc., or for "propaganda activities" aimed at their own members, without authorities' permission. Authorities across the country continuously denied applications for permission from independent trade unions to hold demonstrations to highlight labor-related issues.

Government efforts to suppress independent unions included frequent refusals to extend employment contracts for members of independent unions and refusals to register independent unions. According to BCDTU leader Aliaksandr Yarashuk, no independent unions have been established since a 1999 decree requiring trade unions to register with the government. Authorities routinely fired workers who were deemed "natural leaders" or who involved themselves in NGOs or opposition political activities.

On August 24, a Minsk district court convicted independent Radio and Electronics Trade Union Chairman Genadz Fedynich and Chief Accountant Ihar Komlik for allegedly evading taxes in 2011 and sentenced the two to four years of house arrest. The court also banned the trade unionists from holding any administrative positions for five years. Protesters outside the courthouse were detained while protesting the trial. On November 9, the Minsk city court dismissed their appeal. At the end of the year the verdict was under appeal at a higher court.

The government requires state employees, including employees of state-owned enterprises, who constituted approximately 70 percent of the workforce, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one year, which gave the government the ability to fire employees by declining to renew their contracts. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice. A government edict provides the possibility for employers to sign open-

ended work contracts with an employee only after five years of good conduct and performance by the employee.

Opposition political party members and democratic activists sometimes had difficulty finding work due to government pressure on employers.

In 2014 the president issued Decree No. 5 On Strengthening the Requirements for Managers and Employees of Organizations, which the authorities stated was aimed at rooting out “mismanagement,” strengthening discipline, and preventing the hiring of dishonest managers in new positions. Among other subjects under the new decree, managers may reduce payment of employee bonuses (which often comprised a large portion of salaries) and workers may be fired more easily. An independent trade union lawyer told the press that workers have fewer rights under the new law.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce its provisions.

Parents who have had their parental rights stripped and are unemployed, or are working but fail to compensate state childcare facilities for the maintenance of their children, are subject to forced employment by court order. Individuals who refuse forced employment may be held criminally liable and face community service or corrective labor for a period of up to two years, imprisonment for up to three years, or other freedom restrictions, all involving compulsory labor and garnishment of 70 percent of their wages to compensate expenses incurred by the government.

In 2010 the government enforced procedures for placing individuals suffering from chronic alcohol, drug or other substance abuse in so-called medical labor centers when they have been found guilty of committing criminal violations while under the influence of alcohol, narcotics and psychotropic, toxic or other intoxicating substances. Such offenders may be held in these centers by court orders for 12 to 18 months. They are mandated to work and if they refuse, they may be placed in solitary confinement for up to 10 days. In July 2017 the deputy head of the Supreme Court, Valer Kalinkovich, justified operations of the medical labor centers, saying there was no alternative for alcohol addicts who also “violated rights of other people.”

In January the government rescinded a 2015 presidential decree, On Preventing Social Parasitism, which aimed to force individuals to find employment and established a supplemental tax on persons who worked less than six months during the year of up to 360 rubles (\$180) annually, depending on how much they paid in taxes when working. The decree would have applied to all permanent residents, with senior pensioners, legal minors, persons with disabilities, and certain other groups exempted.

Minsk authorities required officially registered unemployed individuals to perform paid community service two days a month from May to September and one day a month from October to December and January to April. In addition they were banned from receiving an unemployment benefit of up to 46 rubles (\$24) a month, depending on their length of unemployment, if they performed less than 22 working days of community service during a year. Individuals with disabilities, single parents and parents of three and more children, as well as parents of children with disabilities and under age 18 were exempt.

Regulations against forced labor were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal and inadequate to deter violations. Penalties for violations included forfeiture of assets and sentences of five to 15 years' imprisonment. The government rarely identified victims of trafficking, and prosecution of those responsible for forced labor remained minimal. Government efforts to prevent and eliminate forced labor in the country did not improve.

The government continued the Soviet practice of "subbotniks," (Saturday work) that requires employees of government, state enterprises, and many private businesses to work on some Saturdays and donate their earnings to finance government social and other projects. Employers and authorities intimidated and fined some workers who refused to participate. In some localities authorities forced students and state companies' employees to participate in harvesting in September-October.

Prison labor practices amounted to forced labor. Former inmates stated that their monthly wages were as low as three to four rubles (\$1.5 to \$2). Senior officials with the General Prosecutor's Office and the Interior Ministry stated in November 2015 that at least 97 percent of all work-capable inmates worked in prison as required by law, excluding retirees and persons with disabilities, and that labor in prison was important and useful for rehabilitation and reintegration of inmates.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 16, but children as young as 14 may conclude a labor contract with the written consent of one parent or a legal guardian. The Prosecutor General's Office is responsible for enforcement of the law. Persons under age 18 are allowed to work in nonhazardous jobs but are not allowed to work overtime, on weekends, or on government holidays. Work may not be harmful to children's health or hinder their education.

The government generally enforced these laws and penalties ranging from fines and reprimands to 12 years' imprisonment; these provisions were sufficient to deter most violations. Child labor occurred in the agricultural sector.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination based on race, gender, language, or social status. These laws do not apply specifically to employment or occupation. The government did not effectively enforce these laws or secure any effective penalties to deter violations. Discrimination in employment and occupation occurred with respect to ethnicity, gender, disability, language, sexual orientation and gender identity and expression, and HIV-positive status (see section 6). In addition some members of the Romani community complained that employers often discriminated against them and either refused to employ them or did not provide fulltime jobs. The government did not take any action during the year to prevent or eliminate employment discrimination. Employment discrimination happened across most economic sectors and in both private and public workplaces.

The law requiring equal pay for equal work was not regularly enforced, and the minister of labor and social welfare stated in 2016 that on average women were paid 24 percent less than men.

Very few women were in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Although the law grants women the right to three years of maternity leave with assurance of a job upon return, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that up to 85 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities, and calculations of pensions did not consider disability status. Members of the country's Paralympic teams received half the salaries and prize money of athletes without disabilities.

#### **e. Acceptable Conditions of Work**

As of October 1, the national minimum monthly wage was in excess of the poverty line.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. The law provides for mandatory overtime and nine days of holiday pay and restricts overtime to 10 hours a week, with a maximum of 180 hours of overtime each year.

The law establishes minimum conditions for workplace safety and worker health, but employers often ignored these standards. Workers at many heavy machinery plants did not wear minimal safety gear. The state labor inspectorate lacked authority to enforce employer compliance and often ignored violations. The number of inspectors was insufficient to deter violations.

The Ministry of Labor and Social Welfare was responsible for enforcement of these laws. Information regarding resources, inspections, remediation, and penalties was not available. The government reported that approximately 400,000 persons worked in the informal economy. The law did not cover informal workers.

The Labor Ministry reported 70 persons killed at workplaces from January through June.

The law does not provide workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.