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Belarus

Country Reports on Human Rights Practices -2000

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Belarus has a form of governance in which nearly all power is concentrated in the hands of the President and a small circle of advisors. Since his election in July 1994 to a 5-year term as the country's first President, Aleksandr Lukashenko has consolidated power steadily in the executive branch through authoritarian means. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. Lukashenko ignored the then-Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the current political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner. Most members of the international community criticized the flawed referendum and do not recognize the legitimacy of the 1996 Constitution, legislature, or Aleksandr Lukashenko's continuation in office beyond the legal expiration of his term in July 1999. Parliamentary elections were held in October, the first since the 1996 referendum. The Organization for Security and Cooperation in Europe (OSCE)/Office of Democratic Institution and Human Rights (ODIHR) concluded that the elections fell short of international standards and were neither free nor fair. Although the amended Constitution provides for a formal separation of powers, the President dominates all other branches of Government. The legislature that ended its work in November 2000 was not elected directly, but was created out of the remnants of the former Parliament, which Lukashenko disbanded soon after the 1996 referendum. The Constitution limits the legislature to meeting twice per year for no more than a total of 170 days. Presidential decrees made when the legislature is out of session have the force of law, except—in theory—in those cases restricted by the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that Lukashenko has interpreted broadly. The judiciary is not independent.

Law enforcement and internal security responsibilities are shared by the Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which answer directly to the President. Civilian authorities do not maintain effective control of the security forces. Under Lukashenko's direction, the presidential guard—initially created to protect senior officials—continued to act against the Lukashenko's political enemies with no judicial or legislative oversight. On May 25, 1999, the Law on the State Guard officially entered into force. The law, which had been operative on a de facto basis for a number of years, gives the President the right to subordinate all security bodies to his personal command. Members of the security forces have committed numerous human rights abuses.

The country's political leadership opposes any significant economic reforms and remains committed ideologically to a planned economy. The authorities claimed that the gross domestic product (GDP) grew by 6 percent, but most independent analysts doubted that figure and said that any growth that has occurred was the result of "aggregate production" fueled by continued massive credits to the debt-ridden state sector. Officials claimed that per capita GDP remained constant at approximately \$1,400, but in real terms it was much lower. The majority of workers are employed in the state industrial and agricultural sectors, where wages are lower than the national average and wage arrears are chronic. Although the unreliability of official statistics makes it difficult to assess accurately economic conditions, living standards for many segments of society continued to decline. Authorities reported that average monthly wages were just over \$70 a month by year-end, although independent analysts reported the figure was lower. Residents of small towns and rural areas, where incomes are particularly low, sustain themselves through unreported economic activity and small gardens.

The Government's human rights record was very poor and worsened significantly in many areas. The authorities severely limit the right of citizens to change their government, and Lukashenko took severe measures to neutralize political opponents. The authorities did not undertake serious efforts to account for the disappearances that occurred in the previous year of well-known opposition political figures. Security forces continued to beat political opponents and detainees. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated arrests increased, although many of those arrested soon were released. Prolonged detention and delays in trials were common and also occurred in a number of politically sensitive cases. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Severe restrictions on freedom of speech, the press, and peaceful assembly continued, and the authorities did not respect freedom of association. The authorities continued to impose limits on freedom of religion and restricted freedom of movement. Government security agents monitored closely human rights monitors and hindered their efforts. Domestic violence and discrimination against women remained significant problems. Pressures against the Roman Catholic and Protestant churches as well as societal anti-Semitism persist. Authorities continued to harshly restrict workers' rights to associate freely, organize, and bargain. Trafficking in women is a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom From:

a. Political and Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

There were several cases of opposition figures who disappeared in recent years (see Section 1.b.). The opponents of the regime have been missing for such a long period of time, with no credible effort on the part of the Government to account for their whereabouts. Human rights monitors believe that they have been killed for their involvement in political activities.

b. Disappearance

There have been several cases of opposition figures who disappeared in recent years.

On July 7, Dmitry Zavadsky, a cameraman for the Russian television network ORT, disappeared at the Minsk National Airport while waiting for Pavel Sheremet, another ORT journalist, to arrive from Moscow. When Sheremet arrived at the airport, Zavadsky was missing, but his car was found locked in the airport parking area. In 1997 Zavadsky and Sheremet were arrested by Belarusian authorities for crossing the Belarusian-Lithuanian border illegally while filming a documentary critical of the Lukashenko regime. In a politically motivated trial, Sheremet and Zavadsky were given 2-year and 18-month suspended sentences, respectively. Authorities accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, and later threatened Sheremet with potential charges of slander for an interview, published in the independent press, in which Sheremet blamed Lukashenko and security services for Zavadsky's disappearance. A criminal investigation of the disappearance was opened, but no progress had been reported by year's end (see Section 2.a.). In November ORT Journalist Pavel Sheremet reported that several current and former police officers, including members of the elite Almaz Unit of the Ministry of Interior, have been arrested as suspects in the Zavadsky case. The authorities have not confirmed that those arrested are suspects in the Zavadsky case, nor have they confirmed their identities. Lukashenko fired the head of the KGB and the Prosecutor General following the release of a letter, reportedly written by a KGB officer, alleging that Zavadsky was killed by a group of former and current security service officers. The letter also alleged that senior authorities prevented investigators from fully examining the case. Lukashenko claimed that the letter was a fabrication and promised to renew the investigations into the disappearances; however, no further progress was made at year's end.

On May 7, 1999, former Minister of Internal Affairs Yury Zakharenko disappeared shortly after he told his family in a telephone conversation that he was on his way home. Zakharenko, a close associate of the then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative, in which Chigir was one of the principal candidates. An investigation began 6 months later, and there is still no evidence that the authorities have taken concrete steps to resolve the case. The Government also failed to present any information on the investigation despite a request from the U.N. Working Group on Involuntary Disappearances. The authorities also have harassed and hindered the investigations of Zakharenko's disappearance by independent nongovernmental organizations (NGO's). In December Zakharenko's wife and children received political asylum in a Western European country, where they had been residing since August, after accusing Lukashenko of direct involvement in Zakharenko's disappearance.

On September 16, 1999, following a meeting earlier during that day broadcast on state television in which Lukashenko ordered the chiefs of his security services to crack down on "opposition scum," 13th Supreme Soviet Deputy Chairman Viktor Gonchar disappeared, along with his local business associate Anatoly Krasovsky. A high profile antigovernment politician, Gonchar was considered an active fundraiser for the opposition. Shortly before his disappearance, Gonchar telephoned his wife to inform her that he was on his way home. Broken glass and blood were discovered later at the site where relatives and friends of the men believe the vehicle in which the two were travelling may have been stopped. As with the disappearance of Zakharenko, there is no evidence of progress by official investigators to resolve these cases.

In June Interpol officially notified Belarusian law enforcement agencies that former national bank Chairwoman Tamara Vinnikova, who disappeared in April 1999 from an apartment where she had been under house arrest since 1997, was located in a Western European country. Vinnikova reported in several interviews with the press that she went into hiding to escape suspected conspiracies against her life.

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

The 1996 Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman or degrading treatment; however, police and prison guards beat detainees and prisoners. Law enforcement and prison officials may use physical force against detainees and prisoners only if the latter are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors have credibly reported that investigators coerce confessions through beatings and psychological pressure. Although such behavior is against the law, the authorities seldom, if ever, punish those who commit such abuses. Guards use force against detainees to coerce confessions as well as during routine activities. Police also beat demonstrators (see Sections 1.d. and 2.b.). On November 20, the U.N. Committee Against Torture issued conclusions and recommendations on the third periodic report on the country. The Committee cited concern over the deterioration in the human rights

situation and noted numerous continuing allegations of torture and inhuman treatment or punishment committed by state officials or with their acquiescence. These violations appeared to have been committed against political opponents of the regime and peaceful demonstrators.

On January 14, Oleg Volchek, a human rights monitor and chairman of a nongovernmental commission investigating the disappearance of former Internal Affairs Minister Yury Zakharenko, filed a complaint with the Minsk city prosecutor after a lower court refused to bring criminal charges against police who beat him following his arrest on July 21, 1999. Volchek was so severely beaten that he was treated for the injuries he sustained. The police, who denied involvement in the beating, claimed that Volchek attacked them and sustained his injuries when he fell and hit his head on a table. Volchek's attorney and other human rights monitors believe that the authorities attempted to cover up the beating. Volchek's appeal to the Minsk City Court also later was denied.

On March 1, opposition activists Tsimafey Dranchuk, Leonid Malakhaw, and Filip Klikushyn were arrested for demonstrating in front of the Presidential Administration Building and, on March 3, were sentenced to 5 days imprisonment. While being transported from the courthouse to a detention facility,

18-year-old Dranchuk was beaten by militia officials which resulted in serious head injuries. On March 5, he was taken to a Minsk clinic, where his injuries were diagnosed as severe by doctors. Malakhaw and Klikushyn reportedly were beaten by the authorities at the same time as Dranchuk, although they did not sustain serious injuries. They went on a hunger strike to protest their sentences and abuse. Their hunger strike did not produce any result and they were released after 5 days' detention.

On March 25, in a violent crackdown, uniformed and plainclothes security forces beat and detained demonstrators gathering on Yakub Kolas Square in downtown Minsk. According to human rights observers, over 300 demonstrators were arrested and detained. Many of them were beaten severely (see Section 2.b.). Yuri Belenky, deputy chair of the conservative Christian Party of the Belarusian Popular Front, was severely beaten and later hospitalized. Security forces reportedly hit Belenky in the face with a truncheon, put his jacket over his head, knocked him off his feet, and continued to kick him. Belenky was detained for 3 days, after which time a government doctor diagnosed him with a concussion. Belenky's appeals to prosecutors and the courts to bring charges against the security forces responsible for the beating were denied.

According to the Advisory and Monitoring Group (AMG) of the OSCE, in an "unwarranted and superfluous show of force", five demonstrators who participated in the April 26 Chernobylsky Shlaykh (the Chernobyl Path) march were "forcibly and violently" detained by the militia (see Sections 1.e. and 2.b.).

"Dedovshchina," the practice of hazing new recruits through beatings and other forms of physical and psychological abuse, apparently has not abated. In the first 5 months of this year, according to government statistics, 30 cases were reported. Efforts by family members and human rights monitors to investigate these cases and other reports of Dedovshchina were blocked by government authorities.

Prison conditions are poor and are marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Conditions at prison hospitals are poor, according to human rights monitors. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to their declining health while they awaited trial. Although official statistics on prison overcrowding are not available, OSCE AMG officers who visited a detention facility in Vitebsk during June 1999 noted that in 1 cell, 16 female prisoners shared 10 beds, while in another, 14 prisoners between the ages of 14 and 17 shared 8 beds.

In 1999 a government amnesty was announced for lesser offenders designed to decrease the prisoner population. Another amnesty was approved by the National Assembly on June 30. Acting Minister of Internal Affairs Mikhail Udovikov announced on June 9 that 9,700 prisoners had received early release or a reduction in their sentences under the 1999 amnesty and that the amnesty could be applied to 10,700 prisoners in jail and 2,400 on parole at that time under the new legislation. Prior to the new amnesty, there were approximately 61,000 prisoners, according to Udovikov. It is unclear to what extent the new amnesty was implemented. According to Udovikov, the amnesty only applied to war veterans, underage persons guilty of minor crimes, pensioners, and the disabled. Those guilty of economic crimes could only receive amnesty after payment of financial restitution.

Male and female prisoners are housed separately. Following an inspection of a correctional facility for women in Gomel on June 1999, Minister of Internal Affairs Yury Sivakov noted in an interview with the official press that, although it was intended to house only 1,350 inmates, it then held 2,800. NGO's reported that prison conditions did not improve during the year.

On March 1, 13th Supreme Soviet Deputy and political prisoner Vladimir Kudinov was transferred to solitary confinement in a punishment cell for 7 days for alleged misconduct, which included reportedly stopping morning exercises and having left a smoking area too early (see Section 1.d.). Kudinov previously was punished for participating in a chess tournament without prison approval and for other violations of "internal routine." Kudinov also was denied, without explanation, visits by family and a priest. According to human rights monitors, these punishments were imposed to exclude Kudinov from the list of those eligible for amnesty or early parole.

On July 11, Ivan Lemyashewski, the former head of a group of advisors to the Council of Ministers, issued an open letter to Lukashenko calling for an end to the politically motivated harassment of his family. On June 21, Lemyashewski's son, Ilya, was shot in the chest by a masked man. The shooting followed an earlier attempt by security forces to recruit Ilya to spy on his father. When he refused, Ilya reportedly was warned that "grave

consequences* would follow. Lemyashewski's car was reportedly tampered with, resulting in an accident, and the family reported receiving numerous threatening telephone calls. The threats and attacks apparently were in retaliation for his resignation from the Government (see Section 2.a.)

Human rights monitors sometimes were granted access to observe prison conditions, although the authorities did not honor some requests to meet with individual prisoners.

d. Arbitrary Arrest, Detention, and Exile

The authorities have amended only slightly the Soviet-era law on detention, and during the year security forces continued to arrest arbitrarily and detain citizens, most often in connection with demonstrations, some of which were not authorized. Politically motivated arrests continued, although most of those arrested were released within a few days.

The Criminal Procedure Code provides that police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator deems the detention legal, a suspect can be held for a maximum of 10 days without formal charge. However, usually once the decision is made to hold a suspect, formal charges are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general can extend pretrial detention to 18 months to allow for further investigation. Alternatively, a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law allows detainees the right to apply to the court (rather than the procurator) to determine the legality of their detentions. However, in practice suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because detainees are at the mercy of investigators, and detention officials are unwilling to forward the appeals. There is no provision for bail under the current legal code.

By law detainees may be allowed unlimited access to legal counsel, and, for those who cannot afford counsel, the court appoints a lawyer. However, investigators routinely fail to inform detainees of their rights and conduct preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained then is used against the defendant in court. Even when appointed by the State, defense attorneys are subordinate to the executive branch. Access by family members to those detained is restricted severely in practice and they frequently are not notified when a family member, even a juvenile, has been detained.

On January 19, Aleksandr Abramovich, leader of the Borisov branch of the Social Democratic Party, was arrested by police near the Minsk city court before the beginning of the trial of former Prime Minister Mikhail Chigir (see Section 1.e.). Abramovich was holding a sign calling for an end to the prosecution of opposition leaders. Abramovich was sentenced to 7 days in jail. In February Abramovich again was arrested and sentenced to 35 days in jail for staging three unsanctioned demonstrations: One against the war in Chechnya, one against the trial of Chigir, and one against the trial of a local businessman. On April 25, Abramovich again was arrested during a rally held in Borisov to mark the 14th anniversary of the Chernobyl accident. At the rally, Abramovich criticized the Government and was arrested immediately after he ripped apart a picture of Lukashenko. Abramovich was sentenced to 5 days in jail for "petty hooliganism."

On February 4, police in Grodno arrested Vladimir Sowtsa, a member of the United Civic Party and an activist in the local union of entrepreneurs, for spreading leaflets about a nationwide strike, which began on February 1. Sowtsa was detained for several hours and then taken to a court where he was fined \$7.50 (6,800 rubles) and later released.

On February 29, while collecting signatures on a petition against the country's union with Russia, two activists of the Belarusian Popular Front were detained for several hours by police and later charged with illegal distribution of printed materials.

On March 1, Filipp Klikushin, Leonid Malakhov, and Timofei Dranchuk were arrested by police for staging an unsanctioned protest near the Presidential Administration in central Minsk in support of those who had disappeared (see Section 1.c.).

On March 23, five youth activists, two of whom were under 18 years of age, were detained by police for distributing leaflets announcing the freedom day march on March 25 marking the 1918 founding of the Belarusian National Republic. One of the activists, Sergei Shevliakov, reported that his family was not notified of his detention until almost 4 hours after the incident, in violation of the administrative offenses code. All five reportedly were verbally threatened and abused by police while in detention.

On March 25, approximately 700 demonstrators gathered on Yakub Kolas Square in Minsk for the "day of freedom" march. On March 24, Minsk city authorities banned the demonstration, despite requests from foreign and domestic human rights observers to allow the demonstration to proceed peacefully. Shortly after the demonstrators gathered on the square, military and police special forces, dressed in riot gear, waded into the crowd using clubs and began to beat and detain demonstrators. According to local human rights lawyers, over 300 demonstrators were arrested and prosecuted for their participation in the event. Many leading opposition politicians were arrested in connection with the demonstration and sentenced to 5 to 7 days imprisonment (see Section 2.b.).

On March 25, 13th Supreme Soviet Deputy and independent journalist Valery Shchukin, was arrested by police in Vitebsk while covering an opposition rally marking the 1918 founding of the Belarusian National Republic. Shchukin was tried and sentenced to 10 days in jail for participating in an unsanctioned demonstration. At the

same event, Vladimir Pleshchenko, a local opposition activist, was arrested and later sentenced to 10 days in jail. Roman Solovyan, also a local opposition activist, was arrested and sentenced to 5 days in jail.

On April 26, Anatoly Fyodorov, a local leader of the Belarusian Popular Front, was arrested by police for organizing an unauthorized demonstration in Mogilev on the 14th anniversary of the Chernobyl disaster. Also on April 26, opposition activists Yuri Kuzmitsky, Denis Yeryomenko, and Sergei Terekhov were arrested while participating in the Chernobylski Shlyakh demonstration. Kuzmitsky, who severely was beaten by police, was sentenced to 5 days detention for participation in the demonstration. Yeryomenko was convicted of illegal use of flags, pennants, emblems, symbols, or placards for carrying a caricature of Lukashenko. Terekhov was sentenced to 3 days' detention for "speaking of the President in foul language" (see Section 2.b.).

On May 1, 14 opposition and human rights activists were detained by police in Mogilev during a May Day rally in the town's central square. The activists were carrying white-red-white flags and opposition signs and were taken to a police station where they were detained for several hours.

On May 21, Aleksandr Abramovich, Anton Tsylezhnikov, and Alesya Ysyuk were arrested by police in Borisov while demonstrating in support of former Prime Minister Mikhail Chigir. Abramovich and Tsylezhnikov were sentenced to 15 and 10 days' incarceration respectively, and Ysyuk was fined \$404 (390,000 rubles).

On June 20, United Civic Party activists Aleksei Radzivnow and Vladimir Romanovski were detained by police for staging a protest against restrictions on political activity near the Minsk Government Building in downtown Minsk; they were released later the same day.

On June 29, Alexander Abramovich again was arrested and sentenced to 12 days in jail for a demonstration on June 19 in Borisov in which protestors chained themselves to a flagpole and demanded the resignation of the chairman of the Borisov City Executive Committee.

On July 27, Katsyaryna Haravaya and Igar Paremski were arrested and sentenced to 5 and 7 days in jail, respectively, for staging an unsanctioned demonstration in Gomel in which they protested against the establishment of a "fascist regime" in Belarus.

Unidentified, nonuniformed officials working for the security services regularly apprehend participants in antigovernment demonstrations (see Section 2.b.). There are credible reports that plainclothes security officials sometimes infiltrate antigovernment demonstrations in order to either report on opposition protestors or provoke clashes between demonstrators and police. Security officers on occasion also preemptively have apprehended organizers and individuals considered to be potential participants prior to demonstrations, including those that had been sanctioned by the authorities.

On February 10, in an article in the independent newspaper Narodnaya Volya, Oleg Baturin, a senior official in the Ministry of Internal Affairs, reported that a clash between demonstrators and security officials at the freedom march on October 17, 1999, was provoked by plainclothes security officers under orders from the Ministry of Internal Affairs. Following publication of the article, Baturin and his brother, fearing for their personal safety in Belarus, claimed political asylum in Poland. On July 19, Baturin sought refuge at a Western embassy in Minsk and claimed that he had been abducted by unknown assailants, who he later identified as Belarusian security service agents, and was returned forcibly to Belarus. On July 21, Baturin was granted safe passage out of Belarus, to take up political asylum in another country. While some of the facts of Baturin's kidnapping remain unclear, most independent human rights observers believe that his charges against the authorities were the reason for his mistreatment.

Security force officials regularly detained journalists and NGO officials during the year (see Sections 2.b. and 4).

Following demonstrations security officials have held some detainees incommunicado. In addition to the hundreds of antigovernment protestors whom authorities held for several hours or days, there were several prominent political detainees whom the Lukashenko regime held for prolonged periods of time in pretrial detention, some for over a year.

On November 11, 1997, former Minister of Agriculture Vasily Leonov was arrested on charges of large-scale embezzlement and bribery. Leonov was held for over 2 years in pretrial detention, during which he suffered two heart attacks. Leonov also went on a hunger strike to protest the refusal of prison authorities to provide him with medical supplies brought by his relatives. On January 14, Leonov was sentenced to 4 years in prison and confiscation of property for large-scale embezzlement and bribery (see Section 1.e.).

In February 1998, police arrested Andrei Klimov, a successful entrepreneur and member of the Parliament that was illegally dissolved in late 1996, on charges of embezzlement and other financial irregularities. Klimov's supporters and human rights observers believe that his arrest and prosecution was politically motivated because Klimov is an outspoken critic of President Lukashenko and had participated in a commission that examined violations of the law and the Constitution by the President. Klimov's period of pretrial detention was extended on several occasions. He was severely beaten by prison guards on December 13, 1999, following his refusal to leave his cell as a sign of protest. The presiding judge ordered that he be brought to the courtroom. He was beaten by guards and forcefully dragged into the courtroom in torn clothing and without any shoes. Although he was clearly in need of medical attention, an ambulance was not called until several hours later. On March 17, Klimov was convicted of large-scale embezzlement and forgery and sentenced to 6 years' imprisonment and loss of property (see Section 1.e.).

Statistics on the current number of persons in pretrial detention and the average length of pretrial detention were not available. Acting Minister of Internal Affairs Mikhail Udovikov, in a speech to Parliament on June 9, said that approximately 100,000 people were in pretrial detention or under some form of punishment. In comparison in August 1998 there were approximately 11,000 persons in pretrial detention.

The authorities do not use forced exile, although there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent and is unable to act as a check on the executive branch and its agents. Reforms adopted to support the independence of the judiciary in 1995 remained unimplemented. The 1996 constitutional referendum further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining six are appointed by the Council of the Republic, which itself is composed of individuals appointed by the President or elected by individuals influenced by the President. The President also appoints the chairman of the Supreme Court and the Supreme Economic Court. The President also has authority under the Constitution to appoint and dismiss all district and military judges.

The criminal justice system follows the former Soviet model and has three tiers: District courts; regional courts; and the Supreme Court. Several modifications have been made, brought about by the new Constitution, including direct presidential appointments. The Constitutional Court was established in 1994 to adjudicate serious constitutional issues, but, dependent on the executive branch, it does not challenge presidential initiatives. In addition the Constitutional Court has no means to enforce its decisions.

Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt. Judges are dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing. In addition judges owe their positions to the President. Although the Procurator's Office denies it, there were widespread and credible reports that "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) continues.

On May 18, in a speech to the Belarusian-Russian Union Parliamentary Assembly, covered by the media and widely criticized by human rights monitors as evidence of the absence of judicial independence, Lukashenko denied allegations of human rights abuses in Belarus and said they were "far-fetched and overblown beyond reason in the West...We have no such violations." He acknowledged that a "number of once famous persons," such as former Prime Minister Chigir and others, had been prosecuted over the past few years. However, "they were caught stealing and got what they deserved...Everybody is equal before the law...Overseas politicians lack objectivity because they surround criminals, thieves, and hooligans with a halo of political martyrs."

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately are responsible to and serve at the pleasure of the Procurator General who, according to the Constitution, is appointed by the Council of the Republic. Prosecutors are not independent and do not have authority to bring charges against the President or the presidential administration. On May 24, Constitutional Court Chairman Grigory Vasilevich told journalists that a local prosecutor had been correct in rejecting a complaint brought earlier against a presidential administration official. According to Vasilevich, Article 125 of the 1996 Constitution charges the Procurator General and other public prosecutors with the task of "control over the compliance of the ministries, other agencies subordinate to the Council of Ministers, local representative and executive authorities, enterprises, institutions, nongovernmental organizations, officials, and private figures to laws, decrees, edicts, and other legal acts." Procurators do not have authority to bring charges against an official of the Presidential Administration, he said, because it is under the authority of the President, and not the Council of Ministers.

In May 1997, Lukashenko issued presidential Decree No. 12, "Several Measures on Improving the Practice of Lawyers and Notaries," which, according to international legal experts and human rights monitors, seriously compromised the independence of lawyers from the authorities. The decree, which ostensibly was issued in response to allegedly exorbitant attorneys' fees, subordinated all lawyers to the Ministry of Justice, which controls the licensing of lawyers, and placed the bar association under much greater Ministry of Justice control.

In August 1999, while on an inspection tour in the Brest oblast in the western part of the country, Lukashenko told local reporters that he personally exercised control over "certain" ongoing judicial cases, including that of former Prime Minister and opposition leader Mikhail Chigir. Lukashenko stated, "I have them under control, I am not going to allow any injustice there myself." On August 30, 1999 during a government interagency commission on crime covered by the official media, President Lukashenko reportedly stated, "It is natural for the Head of State to exercise control over one criminal case or another...especially in our country, where the Head of State controls all the branches of power--legislative, executive, and judicial."

Human rights monitor and defense attorney Vera Stremkovskaya was threatened with disbarment following her public criticisms of the Lukashenko regime while on visits abroad in 1998 and during the year. In an attempt to hinder Stremkovskaya's activities, Ministry of Justice officials also have launched investigations and issued warnings to her human rights NGO (see Section 4).

The Constitution provides for public trials, although exceptions can be made in cases established by law (for example, in cases of rape or on grounds of national security). Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf. However, these rights are not always respected in practice. The right to be represented by counsel also is not always respected in practice. While the 1996 Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence. According to statistics from the Belarusian Helsinki Committee, in 1998, criminal charges were brought by prosecutors against 59,700 individuals. Of these, only 272, or less than one-half percent were found to be not guilty.

Both defendants and prosecutors have the right of appeal, and most criminal cases are appealed, according to legal sources. In appeals neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Appeals rarely result in reversals of verdicts.

Antigovernment protestors arrested after demonstrations were subjected to assembly line-style trials, often without the right to counsel or the opportunity to present evidence or call witnesses.

On January 14, former Minister of Agriculture Vasily Leonov was sentenced to 4 years in prison and confiscation of property for large-scale embezzlement and bribery. Under the provisions of amnesty legislation, Leonov was released from prison on October 5 after nearly 3 years imprisonment. Leonov allegedly accepted bribes of furniture worth approximately \$52 (42,459 rubles) and foodstuffs worth \$90 (73,383 rubles). Leonov had been arrested on November 11, 1997; he arrest was videotaped and broadcast on national television. In the videotape, police officers were shown taking U.S. dollars out of Leonov's desk. The following day, referring to Leonov's arrest, Lukashenko said law enforcement agencies would "root out corruption" without respect for rank. Legal experts and human rights monitors noted that the trial was rife with abuse of legal procedure, including the use of evidence taken under duress and later recanted, in violation of the Criminal Code.

On June 8, Mogilev regional authorities announced the sale of property belonging to Leonov, confiscated by the Government following his conviction. The house and accessory buildings were offered for sale at a total of \$4,500 (approximately 4,320,000 rubles). According to the human rights organization Charter '97, the authorities published the announcement of the sale in state-run newspapers without waiting for a hearing on a lawsuit brought by family members to block the sale. Authorities also reportedly refused to let the Leonov family buy the property back.

On March 17, a Minsk court sentenced 13th Supreme Soviet Deputy Andrei Klimov to 6 years in prison on fabricated charges of alleged malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm which he had run. Klimov, whose trial began in July 1999, had been in pretrial detention since February 1998 (see Section 1.c.). International and local human rights observers believe that the trial and conviction were politically motivated to punish Klimov for his involvement in a 1996 impeachment drive against President Lukashenko. On August 22, Klimov's appeal was denied by another Minsk court without comment. Human rights monitors believe the appeals court overlooked numerous procedural violations in rejecting the appeal.

On May 19, the political show trial of opposition leader and former Prime Minister Mikhail Chigir concluded with his conviction for exceeding his authority as Prime Minister in granting a delay in payment of customs duties to a company. The court sentenced Chigir to a 3-year prison term suspended for 2 years. The court also ordered him to pay \$220,000 in damages. The OSCE and other legal observers noted that the judgement involved irregularities in legal procedure and was designed to prevent Chigir from posing a challenge to the Government in presidential elections scheduled for 2001. Chigir had been arrested on March 30, 1999, just prior to a public ceremony to register his participation in an opposition-organized presidential election initiative aimed at drawing attention to the upcoming end of Lukashenko's legal 5-year term in office. It also followed several warnings from government security officials to Chigir that he cease his political activities. Despite protests from the OSCE and a number of foreign governments, Chigir remained in pretrial detention from March 30 until November 30, 1999.

On May 30, speaking at a meeting of participants of a government-organized "social-political dialogue," Lukashenko said Chigir's sentence was lenient. Speaking to the head of the OSCE AMG, Lukashenko said "on your instructions, if you want, as a result of your pressure, although I did not welcome it, your client (Chigir) was forgiven a lot ... Were it not for the OSCE, Chigir would have to serve at least 5 years first in a cell and then somewhere in a prison." Lukashenko's comments were condemned widely by local human rights monitors as further evidence that Chigir's trial was politically motivated because of his opposition to the Lukashenko regime. On August 18, the Supreme Court, following appeals from both Chigir and the procurator, returned the case to the city court for further investigation. In her appeal, Chigir's attorney, Yulia Chigir, cited numerous procedural irregularities, including the unlawful time limit placed on the defense to familiarize itself with the lower court protocol. On December 5, the Supreme Court vacated the sentence against Chigir and returned the case to the procurator's office for further investigation. The panel of judges ruled that the investigators and the judges in the previous trial failed to fully examine the facts of the case. At year's end, no trial date was set.

On June 19, Nikolai Statkevich, chairman of the Belarusian Social Democratic Party, and 13th Supreme Soviet Deputy Valery Shchukin were convicted of active participation in group actions disturbing the peace and were sentenced to 2-year and 18-month suspended sentences, respectively. Statkevich and Shchukin had been arrested immediately following the march for freedom on October 17, 1999, which resulted in clashes between protestors and riot police. Statkevich also was charged with active participation in group actions disturbing the peace for an unauthorized demonstration held on June 27, 1999. The trial, which began on April 24, was marked by violations of judicial procedure. In many cases, witnesses were unable to identify Statkevich or Shchukin and appeared to have been coached. Most human rights observers considered the trial to be politically motivated. On August 25, the Supreme Court, citing procedural and investigative irregularities, upheld

an appeal brought by Statkevich and Shchukin, vacated their sentences and returned the case to the Minsk city court for investigation and a new trial.

On July 12, 1999, Vladimir Ravkov, vice rector of the Gomel State Medical Institute, was arrested along with 17 other members of the institute, on corruption charges. Of the 18 arrested, only Ravkov remained in jail pending trial at year's end. Investigators have refused to allow Ravkov's wife, Natalya Ravkova, to defend him in court. Prison administrators reportedly denied Ravkov adequate medical treatment. Human rights monitors reported that this case appears to be politically motivated because of past criticism by the Gomel Medical Institute of government neglect of Chernobyl-related problems.

On October 20, Julia Chigir, wife of Mikhail Cigir, was found guilty of violent resistance to a police officer and given a 2 year suspended sentence. On May 19, Julia Chigir bit the ear of a police officer when he forcibly attempted to block her entrance and that of her supporters, into a Minsk City courthouse on the day of Mr. Chigir's sentencing. The OSCE and human rights monitors noted that the court's ruling contradicted eyewitness accounts of the events on May 19 and that the ruling was politically motivated.

Although the authorities have allowed representatives of the OSCE AMG to visit Supreme Soviet Deputies Klimov and Kudinov and former Agriculture Minister Leonov, authorities have refused permission to other foreign diplomatic and human rights observers to visit the same prisoners (see Section 1.d.). On July 5, the Procurator General's Office denied the OSCE AMG permission to visit Vladimir Ravkov, the jailed vice rector of the Gomel State Medical Institute, whose arrest appears to be politically motivated and who is reported to be in poor health.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Constitution provides for protection against illegal interference in a citizen's personal life, including invasion of privacy, telephone, and other communications; however, the Government does not respect these rights in practice. Although the inviolability of the home also is provided for by the Constitution, which states that "no one shall have the right to enter, without legal reason, the dwelling and other legal property of a citizen against such a citizen's will," in practice government monitoring of residences, telephones, and computers continued unabated. The KGB is believed widely to enter homes without warrants, conduct unauthorized searches, and read mail. Political, human rights, and other NGO's state that their conversations and correspondence are monitored routinely by the security services. Some opposition figures report a reluctance to visit some foreign embassies due to fear of reprisal.

Nearly all opposition political figures assume that the authorities monitor their activities and conversations. The Lukashenko regime does nothing to refute these assumptions. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. In addition even regime officials do not appear to be exempt from monitoring.

In June United Civic Party Chairman Anatoly Lebedko, a vocal opponent of the Lukashenko regime, discovered a listening device connected to a telephone in his apartment. Independent analysts believe that the device was made and planted in the apartment by the security services.

Security officials routinely raided and searched the apartments of opposition politicians, often without a warrant. For example, on April 19, police and KGB officers conducted an unlawful search of the apartment of Galina Yurina, an opposition activist, confiscated leaflets for an upcoming opposition-organized demonstration as well as personal items and detained Yurina for several hours. On August 23, Yurina was stopped by security officials, and leaflets advocating the boycott of parliamentary elections were seized from her car without a warrant.

Security forces sought to recruit Ilya Lemyashewski, son of the former head of a group of advisors to the Council of Ministers, to spy on his father. On June 21, after his refusal to do so, Ilya was shot in the chest by a masked man (see Section 1.c).

On July 31, 75-year-old Vasily Starovoitov, the former director of the Rassvet agro-industrial enterprise, appealed to police to file criminal charges against two men who attempted to enter his house and threatened him on July 28. Starovoitov had been released from a corrective labor camp in November 1999 after 2 years' imprisonment for allegedly embezzling state credits. Domestic human right groups believe that Starovoitov was arrested to draw attention away from a poor harvest on heavily subsidized state farms. Two men reportedly telephoned Starovoitov and said that they wanted to deliver a message from imprisoned former Agriculture Minister Leonov (see Section 1.e.). Shortly after the call, two men approached the door of Starovoitov's house and identified themselves as police and KGB investigators and threatened Starovoitov with violence if he did not let them in. The police were called and the intruders were arrested. The incident was under investigation at year's end.

The KGB, the MVD, and certain border guard detachments have the right to use wiretaps, but under the law must obtain a prosecutor's permission before installation. The prosecutor's office exercised no independence and therefore the "due process" provision regarding wiretaps is effectively meaningless. The Presidential Guard (or security service) formed in 1995, reportedly continued to conduct surveillance activities of the President's political opponents. There is no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly has thwarted attempts to exercise such oversight.

In 1999 the National Assembly revised the administrative offenses code to increase the penalties for those who obstruct KGB officers. For example, an article of the legislation prohibits preventing KGB officers from entering

the premises of a company, establishment or organization, and for failing to allow audits or checks to be made, as well as for unjustified restriction or refusal to provide information, including access to company information systems and databases. This revised code remains in effect.

In 1997 the Ministry of Communications renegotiated contracts for supplying telephone service. The new contracts forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the right to terminate telephone service to those who breach this provision.

Presidential Decree No. 218, issued in 1997, prohibits the import and export of printed, audio, and visual information that could "damage" the economic and political interests of the country (see Section 2.a.). This decree remains in effect.

On November 23, 1999, Lukashenko signed Decree No. 40, which allows the authorities to nationalize the property of any individual if the President determines that the individual has caused financial damage to the State. There were reports that this decree had been used, particularly against businessmen. Authorities also threatened to seize the property of former Central Bank Chair Tamara Vinnikova.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, as well as the freedom to receive, retain, and disseminate information; however, the regime restricts these rights in practice. The executive branch continued its suppression of freedom of speech. Despite the constitutional provisions, a 1998 government decree limited citizens' right to express their own opinions. Although independent media remain widely available in Minsk, as part of a continuing crackdown on opposition activity, the authorities stepped up its campaign of harassment against the independent media. The authorities continued to restrict severely the right to a free press through near-monopolies on the means of production of newsprint, means of distribution on national level broadcast media, such as television and radio, and by denying accreditation of journalists critical of the regime. The authorities also kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment. Employees at some state-run enterprises are discouraged from subscribing to independent newspapers and journals.

In 1996 Lukashenko signed a decree ordering that all editors in chief of state-supported newspapers would henceforth be official state employees and would become members of the appropriate local level government council. Another decree granted the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a means of payment for their schooling. These decrees remain in effect.

Presidential Decree No.5, issued in 1997, prohibits a range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the state, as well as emblems, symbols, and posters "whose content is intended to harm the state and public order, rights and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of state bodies." This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag.

The Defamation Law makes no distinction between private and public persons for the purposes of lawsuits for defamation of character. A public figure who has been criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism. In June 1998, the lower house of the National Assembly approved a bill that stipulated that public insults or libel against the President could be punished by up to 4 years in prison, 2 years in a labor camp, or a large fine. However, there were no reports that anyone was arrested or charged subsequently for this offense, and the bill apparently was devised principally as a means of intimidation. Its provisions remain in effect.

In 1997 the Council of Ministers issued a decree that prohibited and restricted the movement of certain goods across customs borders. The decree specifically prohibited the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." Some bulletins affiliated with the opposition published outside of the country appeared to be targeted by the decree. Although in previous years there were a number of incidents in which customs officials confiscated opposition materials at the country's borders, there were no recent reports of such incidents.

In January 1998, more stringent regulatory provisions, introduced by amendments to the Law on Press and Other Mass Media that were adopted by the Council of the Republic in December 1997, went into effect. The new regulatory provisions grant greater authority to the authorities to ban and censor critical reporting. For example, the State Committee on the Press was given authority to suspend for 3 months publication of periodicals or newspapers without a court ruling.

On December 17, 1999, Lukashenko signed new amendments to the law "On Press and Other Media." The amendments ban the media from disseminating information on behalf of political parties, trade unions, and NGO's that are not registered with the Ministry of Justice.

On April 7, a new presidential decree came into effect on "the Use by Legal Entities of the Name of the

Republic of Belarus." The decree allows only legal entities specially authorized by the President to use the name of the country in its title. According to the decree and independent legal experts, the independent press is barred from using the country name in its titles.

Independent newspapers are available widely in Minsk, but outside of the capital most towns only carry local newspapers, only some of which are independent. On January 20, authorities forced the Orsha-based Filon Kmita Center to stop publishing its daily newspaper, Kutseyna, after the paper was denied official registration. Kutseyna was known for its critical reports on the Government. Despite repeated appeals from foreign and domestic human rights observers, the paper was not registered and did not reopen.

In February the editors in chief of the country's six largest independent newspapers sent an open letter to Prime Minister Uladzimir Yarmoshyn demanding the end to the discriminatory measures that the state uses against them. The letter noted that the state postal service recently raised distribution rates for independent papers by 400 to 600 percent, while the State-owned publications received distribution discounts. It also stated that the large increases undermine the freedom of the press.

On April 24, the Grodno City Executive Committee refused to register the independent newspaper Reporter, which often is critical of the authorities, on the grounds that the editors could not prove that they were occupying legal office spaces. Later, a second application for registration also was rejected by the City Executive Committee without further explanation. On August 25, it was reported that the city executive denied registration for a third time. In its rejection notice, the city executive reportedly stated that there was "a sufficiency of newspapers in Grodno and no need for another one."

On May 11, the Supreme Economic Court of Belarus rejected an appeal by the independent newspaper Nasha Niva of a warning issued by the State Press Committee in March. The newspaper was warned for publishing a reader's letter which the committee said expressed "intolerance toward the Russians" in violation of Article 5 of the Media Law, which bans the use of the media for inciting ethnic enmity or discord. The letter, entitled "I Envy Chechnya," was critical of Russian atrocities in Chechnya and supported the defense of Belarusian language and culture. On May 15, Nasha Niva was warned for a second time for publishing an article entitled "Infection of Fascism: Lukashenko is Copying Hitler" by Semyon Sharetsky, the 13th Supreme Soviet chairman currently in self-imposed exile in Lithuania. The warning reportedly was issued under Article 5 of the Media Law for the "inadmissibility of abusing the freedom of mass information." Article 16 of the media law states that a newspaper can be closed after receiving more than one warning within a year.

On May 29, two leading independent newspapers critical of the Government, Narodnaya Voliya and Belaruskaya Delovaya Gazeta (BDG), received warnings for alleged "abuses of the freedom of mass information" under Article 5 of the Law on Media. The BDG was warned for publishing an article on February 22 by Semen Bukchin entitled "Prayer in a Birkenau Concentration Camp." The State Press Committee alleged that the article created "tensions in Polish-Jewish" relations. A second warning was issued to BDG for publishing a response to Bukchin's article, which "offended the citizens of the Russian Federation."

Narodnaya Voliya was issued a warning for an article by Ivan Makalovich which contained the question "Should we Ask NATO for Help?" A second warning was issued for printing an article by Sergi Popkov, deputy head of the conservative Christian Party of the Belarusian Popular Front (CCP). According to the State Press Committee, the CCP was not registered with the Ministry of Justice, and therefore the article should not have been published.

On June 2, the Mogilev-based independent newspaper De Facto was issued a warning by the State Press Committee for publishing the same article by Semyon Sharetsky entitled "The Infection of Fascism: Lukashenko is Copying Hitler" that Nasha Niva was warned for in May. According to the State Press Committee, Sharetsky's article "incites ethnic hatred."

On September 5, authorities banned the first national nonstate press festival, scheduled to be held on September 8 and 9 in Vitebsk. No reason was given for the authorities' decision and festival organizers planned to reschedule the festival for late September in another city. The Belarusian Association of Journalists said the ban was part of a government effort to inhibit the work of the independent press.

On September 13, the office of the Magic publishing house was raided, and the owner and President Yuri Budzko was charged with "propagandizing an electoral boycott." The Magic publishing house is the printing press for the country's leading nonstate newspapers. During the raid, copies of the independent newspaper Rabochy were seized and its editor Viktor Ivashkevich was arrested. On October 11, Magic's bank accounts were frozen prior to a tax inspection. In September police seized 100,000 copies of a special edition of the Belorussian Free Trade Union newspaper Rabochy and arrested the newspaper's editor in chief Viktor Ivashkevich, the newspaper's legal advisor Dmitry Kostyukevich, and Yuri Budzko the owner of the Magic publishing house where the newspaper was being printed. The newspaper called on voters to boycott the October elections to the National Assembly. Ivashkevich and Kostyukevich were charged and later convicted and fined under Article 167 of the Administrative Code for publicly calling on an election boycott. The charges against Budzko were dismissed by a separate court.

On October 16, tax authorities raided the offices of Magic and seized the company's printing equipment. In connection with the investigation and seizure, the company's bank accounts were frozen on October 11. The equipment originally had been leased by Magic from the Belarus-Soros Foundation (BSF) and then later from the open society institute, which received ownership of the equipment when the BSF ceased its operations in 1997. The tax authorities seized the equipment to cover fines owed by the BSF for alleged tax violations. On December 18, the Belarusian Supreme Economic Court upheld the seizure of the equipment. Most independent human rights monitors believe the authorities selectively enforced the law in this case to hinder the printing and

distribution of independent media critical of the current authorities.

Independent journalists were frequently barred by government authorities from covering events or arrested in the course of doing so.

On March 1, officials of the presidential security service detained three journalists covering an unsanctioned opposition demonstration near Lukashenko's residence. The three journalists, reporters from Radio Liberty and the independent Belarusian news service Belapan and a Reuters photographer, were detained for several hours and later released.

On March 16, six journalists from the satirical journal Navinky were detained by plainclothes police after participating in the Freedom March II demonstration in Minsk (see section 2.b.). The journalists were held for several hours without explanation and released the following morning.

On March 25, in a violent crackdown on an opposition-organized rally to commemorate the 82nd anniversary of the Belarusian National Republic, 35 foreign and local independent journalists were beaten and detained. Journalists reported that they were not given an explanation as to why they were being detained, and, in some instances, the police used violent force to arrest the journalists. Journalists reportedly were searched, equipment was confiscated, and film exposed. The journalists were released later the same day.

On April 28, Yavor Mayorchuk, a freelance reporter for Radio Free Europe/Radio Liberty (RFE/RL) was summoned to a military enlistment office where he reportedly was interrogated by KGB officers for 90 minutes. The KGB officers reportedly threatened that if Mayorchuk did not cooperate with the KGB, "the same thing would happen as to Babitsky." The KGB officers were referring to RFE/RL journalist Andrei Babitsky, who was arrested by Russian authorities in Chechnya for his coverage of the war there, held captive for 40 days, and faced trumped up charges of treason.

On May 1, two independent journalists were arrested while covering an opposition demonstration in Mogilev. Igor Irkho, a journalist with the De Facto newspaper, reportedly was assaulted physically by the police and had his camera damaged. He and Alexander Alexandrovich, a reporter for the Belaruskaya Delovaya Gazeta, were detained for several hours by local militia before being released.

On May 2, five journalists from the Reporter newspaper gathered in Lenin Square in Grodno to protest the city government's refusal to register their paper. Minutes after gathering on the square, the journalists were arrested by local police and detained for several hours.

On October 20, tax authorities launched an investigation into the accounts of the independent newspaper De-Fakto. On November 20, De-Fakto was fined over \$1,770 (2 million rubles) for alleged unpaid taxes and fines. On October 25, the State Committee on Press issued a warning to the Belarusian Language Society for an article that appeared in its newspaper, Nasha Slova, by an unregistered organization, the Grodno Association of Democratic Veterans of War and Labor. On November 21, the State Committee on Press issued a fourth warning to the

independent newspaper Pahonya, based in Grodno, for publishing a statement by an unregistered organization, the Grodno initiative, an association of local opposition organizations. After two warnings, legal proceedings can be initiated to close a newspaper. Also, under the administrative code, publishing materials on behalf of unregistered organizations is punishable by a fine and, if repeated, by up to 15 days imprisonment. On November 15, the bank accounts of Novaya Gazeta, in the town of Smorgon, were blocked. Human rights monitors said these incidents were part of a government-wide pattern aimed at restricting the activities of independent press.

On December 12, police in Osipovichy, raided an apartment where Nikolai Tomashov, editor of the independent newspaper Panorama, and journalist Igor Simbirov were working on the next issue of the newspaper. Simbirov was beaten by police, a search was conducted and documents and a computer were seized. Simbirov and Tomashov were then taken to the procurator's office where they were charged with slandering government officials.

Until government authorities shut it down during 1996, Radio 101.2 had been the sole Belarusian-language independent station in the country. The Belarusian Patriotic Union of Youth, a government-subsidized presidential youth organization, was permitted to take control of Radio 101.2. An independent Belarusian-language crossborder radio station, Radio Ratcija, based in Poland, began operation during the year. However, in April the Foreign Ministry's special commission for accrediting foreign journalists refused to register four of the radio station's journalists based in Belarus.

State-controlled Belarusian Television and Radio (B-TR) maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting that was biased heavily in favor of the current authorities, sharply critical of opposition politicians, and failed to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas and relatively were unimpeded in reporting on local news. However, most of these stations reported that they were under pressure not to report on national-level issues or were subject to censorship.

On March 10, Yaraslaw Beklyamishchaw, director and host of the "Krok-2" talk show on B-TR, was dismissed from his position after inviting opponents of the Government to appear on his program. One of the guests on the program was Yuri Khashchavtski, producer of a documentary film about Lukashenko entitled "An Ordinary

President." The official reason for his dismissal was "a flagrant violation of the rules of presentation of the program on the air and its noncompliance with the cue sheet." Beklyamishchaw sued B-TR for unlawful dismissal, and on June 14, B-TR agreed to an out-of-court settlement of the case. In March 1998, the Presidential Administration issued an internal directive entitled "On Strengthening Countermeasures Against Articles in the Opposition Press." The directive, which remains in effect, specifically lists 10 independent media organizations covered by these provisions and prohibits government officials from making comments or distributing documents to nonstate media. It also forbids state enterprises from advertising in nonstate media. Although the directive does not restrict directly independent media or impinge on the right of citizens to receive information, it does restrict government officials in speaking to the independent media and gives further advantages to the state press.

In July Dmitry Zavadsky, a cameraman for the Russian television network ORT, disappeared at the Minsk National Airport while waiting for Pavel Sheremet, another ORT journalist, to arrive from Moscow. When Sheremet arrived at the airport, Zavadsky was missing, but his car was found locked in the airport parking area. In 1997 Zavadsky and Sheremet were arrested by Belarusian authorities for crossing the Belarusian-Lithuanian border illegally while filming a documentary critical of the Lukashenko regime. In a politically motivated trial, Sheremet and Zavadsky were given 2-year and 18-month suspended sentences, respectively. Government authorities accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, and later threatened Sheremet with potential charges of slander for an interview, published in the independent press, in which Sheremet blamed Lukashenko and Belarusian security services for Zavadsky's disappearance. A criminal investigation of the disappearance was opened, but no progress had been reported by year's end (see Section 1.b.).

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for accreditation with the Ministry of Foreign Affairs; the application form for accreditation requested biographic information, as well as a record of the applicant's journalistic activity. Journalists who were residents of Belarus also were required to register with the state tax authorities. The Ministry of Foreign Affairs has used its authority to deny accreditation to four journalists from Radio Ratcija, and there were reports that other journalists from foreign media outlets have been threatened with a loss of their accreditation for reporting on opposition-related activities.

In January the authorities and the state-run media began a campaign of harassment against poet and writer Vasil Bykov. Bykov, a leading proponent of "Glasnost" in the 1980's and a literary prize winner, recently had returned to the country after several years. According to the Belarusian Helsinki Committee, Bykov fled to Germany as a result of the harassment. On January 28, the OSCE representative on freedom of the media, Freimut Duve, wrote a letter to the Belarusian Minister of Foreign Affairs urging the Government to end its campaign of harassment against Bykov. In his letter, Duve said "today in Belarus we have favorable conditions for the return of the ideology that dominated during Soviet times."

On August 11, 1999, the international NGO Reporters sans Frontiers described the Government as an enemy of the Internet. A public statement issued by the organization noted that citizens were not free to explore the Internet independently. Although there are several Internet service providers in the country, they are all state controlled. The Lukashenko regime's monopoly on Internet service results in high prices, poor quality, and limited service and allows for the monitoring of practically all e-mail. Although the authorities have full control, it does not appear to be cutting off access entirely, and those who do have access appear to be able to contact a full range of unfiltered web sites. A June survey by an independent polling organization found that less than 3 percent of the population has access to the Internet.

The Lukashenko regime restricts academic freedom. A sharply critical Human Rights Watch report released in July 1999 detailed government restrictions on academic freedom. The report noted that the authorities had suppressed research on controversial topics, recentralized academic decisionmaking, and maintained a ban on political activity on campuses. At the same time, a "systematic crackdown" on political dissent on campuses had targeted outspoken students and lecturers who were threatened with expulsion, often for their off-campus political activity. The report also asserted that state university authorities issued reprimands and warnings to politically active lecturers, independent historians, and other academics. It stated that university employees who challenge the status quo are told to curtail political activities or change the focus of their academic inquiry. University administrators target research into politically sensitive issues, such as the Belarusian independence movement during the Soviet era, a theme that is seen to challenge the State's policy of integration with Russia and is discouraged heavily.

In June four students of the Minsk State Linguistic University were prevented from taking final exams because they refused to become members of the Belarusian patriotic Youth Union, a pro-Lukashenko student association that has been connected to violent attacks on opposition activists in the past.

The Lukashenko regime continued to harass students engaged in antigovernment activities, such as demonstrations. Some students were expelled for their participation in demonstrations. In June the Belarusian State University initially rejected the graduation thesis of Pavel Severinets, the leader of the Malady Front, the youth branch of the Belarusian Popular Front. Severinets wrote and defended his thesis in the traditional version of the Belarusian language. After appeals from human rights groups, Severinets' dissertation was approved.

Over 30 university students, who were expelled for their participation in street demonstrations, were assisted in continuing their studies in the Czech Republic by private NGO's. Sergei Martselev and Nikolai Privamikov were expelled from the international relations faculty of the Belarusian State University for their participation in demonstrations in 1999. Vadim Kinopatsky was expelled from the Belarusian Agro-Technical University, also for his participation in demonstrations in late 1999.

In 1997 the Council of Ministers issued a decree, effective as of the 1997-98 academic year, requiring students who receive free university education from the state to accept jobs assigned by the authorities upon graduation. Although it remains unclear how universally this decree is enforced, there were reports that graduates in the medical and teaching professions were required to accept government jobs upon graduation. On April 11 and 12, approximately 20 student activists from the National Association of Belarusian Students held a demonstration at the Minsk State Medical Institute to protest the assigning of graduates to jobs in areas contaminated by radiation from the Chernobyl disaster.

On September 8, the Ministry of Justice issued a second warning to the National Association of Belarusian Students (NABS) for using unregistered symbols. According to the Ministry, the color and size of the association's letterhead was incorrect. On March 23, the NABS was warned by the Ministry of Justice for using the word "Miensk," an older spelling of Minsk, in its documents. Two warnings in 1 year is sufficient for the authorities to initiate proceedings to close the organization down. The second warning was nullified by the Supreme Economic Court on September 22. Most human rights observers believe the warnings were part of a larger crackdown on independent NGO's (see Section 4).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Lukashenko regime severely restricts this right in practice. Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision not later than 5 days prior to the scheduled event.

Aleksandr Lukashenko issued Decree No. 5 in 1997 in part to regulate what he termed the "orgy" of street protests taking place. The decree further limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to put strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the acting legislature, imposes severe penalties on those who violate the law, particularly the organizers of events. The decree allows for either monetary fines or detention for up to 15 days, but courts frequently impose high fines that those convicted cannot pay. When individuals fail to pay fines, authorities threaten to confiscate their property. The courts punished organizers of rallies with fines of several times the average monthly wage.

Public demonstrations occurred frequently in Minsk but were always under strict government control, including through open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country but were less frequent especially in areas in the east close to the border with Russia. Following some sanctioned and unsanctioned demonstrations, police and other security officials continued to round up, beat, detain, and try to coerce confessions from some demonstration participants (see Sections 1.c. and 1.d.).

On January 18, Yawhen Asinski was sentenced to 2 years of corrective labor for participating in an opposition organized march on October 17, 1999. Asinski initially was charged with participating in group actions disturbing the peace, a charge punishable by up to 2 years in prison. That charge later was dismissed, and he was convicted of violent resistance to a police officer on duty when video evidence, displayed at the trial, showed that Asinski was not an active participant in the demonstration.

On February 3, police in Minsk arrested five participants in an unsanctioned demonstration near the Russian Embassy against Russian atrocities in Chechnya. On February 5 and 9, seven participants in unsanctioned demonstrations against the Chechnya conflict also were arrested. Philip Klukushin and Leonid Malakov, who were arrested on February 9, reported that they were beaten by police.

On March 1, three opposition activists were arrested by presidential security services while staging an unsanctioned demonstration near Lukashenko's residence on the anniversary of the arrest of Victor Gonchar (see Section 1.b.). As soon as the activists assembled, they were arrested along with three journalists covering the event (see Section 2.a.).

On March 17, an estimated 30,000 demonstrators participated in the Freedom March II. While security services maintained a strong presence, the event proceeded peacefully. However, Minsk schools and universities reportedly required students to be present at evening school events, apparently in an effort to prevent them from participating in the demonstrations. Following the demonstration, President Lukashenko spoke to reporters while visiting Brest on March 16 and said that "people holding a grudge" against the Government, such as "market speculators," dominated Freedom March II, which was billed as a youth demonstration against the Government. Following Lukashenko's remarks, the deputy chairman of the Minsk City Executive Committee said that organizers of the demonstration failed to keep their promise not to block traffic and banned all further street demonstrations in Minsk. While the ban only was enforced selectively, Minsk City authorities frequently denied permission for demonstrators to march in the city, except to a park on the outskirts of the city.

According to local human rights lawyers, more than 300 of some 700 demonstrators, including 35 journalists were arrested and prosecuted for their participation in the March 25 Day of Freedom March (see Section 1.c., 2.a., and 1.d.). All the detainees were forced into police vehicles and taken to an Interior Ministry facility in Minsk. Some were searched illegally, and they were not allowed to contact colleagues, family, or friends. Film shot by press photographers reportedly was confiscated and exposed.

On April 18, local authorities in Borisov banned an opposition-organized demonstration scheduled for April 25, to commemorate the 14th anniversary of the Chernobyl catastrophe. On April 20, the Minsk City Executive Council followed the Borisov City Council's decision and banned opposition organizations from staging demonstrations or marches in downtown Minsk on April 26, known as the Chernobylsky Shlyakh (Chernobyl path). On April 25, 1 day before the scheduled event, Minsk authorities reversed their decision and approved the march route from a park near the city center to a park on the outskirts of the city. Over 30,000 demonstrators participated in the march on April 26. According to the OSCE AMG, organizers of the march responsible for the sound equipment were detained for several hours following the conclusion of the demonstration.

Also on April 26, a small group of demonstrators remained at the park after the initiation of the march. According to the OSCE AMG, in an "unwarranted and superfluous show of force," special units of the militia conducted a "brutal raid" on the group in which five demonstrators were detained forcibly and violently. The demonstrators were later released. On April 27, opposition activist Yury Kuzmilyuk was sentenced to 5 days' imprisonment for his participation in the demonstration under charges of minor hooliganism. Denis Yeryomenko was convicted of "illegal use of flags, pennants, emblems, symbols or placards" for carrying a caricature of Lukashenko. On April 28, Sergei Terekhov was sentenced to 3 days' imprisonment for "speaking of the President in foul language" at the demonstration.

In Mogilev on April 26, over 100 demonstrators marched in an unsanctioned demonstration commemorating the Chernobyl disaster. Anatoly Fyodorov, the local leader of the Belarusian Popular Front, was arrested and charged with organizing an unsanctioned demonstration. On May 1, in Mogilev, dozens of opposition activists and 13 journalists were arrested when they attempted to stage a counter-demonstration to the officially sanctioned pro-Lukashenko rally held in the town square. Four organizers of the demonstration were later prosecuted for organizing an unsanctioned demonstration.

On April 28, the Minsk City Executive Committee banned all street demonstrations on May 1, Labor Day. The May 1 holiday has been a traditional day for pro- and antigovernment demonstrations. The opposition Social Democratic Party and the opposition Belarusian Party of Communists applied for permission to demonstrate in the center of Minsk but were denied. Later, the pro-Lukashenko Communist Party of Belarus, headed by the deputy head of the Minsk City Executive Committee, was given permission to hold a demonstration in the center of Minsk.

On May 7, the Minsk City Executive Committee banned a rally at victory square in the city center, organized by the opposition conservative Christian Party to commemorate the 55th anniversary of the victory over the Nazis. On May 10, the Minsk City Executive Committee banned the opposition Belarusian Social Democratic Party from holding poetry readings in Yanka Kupala Park in the city center.

On May 19, Dmitry Marchuk and Yan Grib, two opposition activists, were arrested while demonstrating outside the court house at the sentencing of former Prime Minister Mikhail Chigir. (see Section 1.e.). The demonstrators, who were chanting "freedom to Chigir," were charged with using foul language, detained for several hours, and later fined. On May 21, local activists from the Belarusian Social Democratic Party demonstrated on the central square in Borisov in support of former Prime Minister Chigir. Aleksandr Abramovich, Anton Telezhnikov, and Alesya Yasyuk were arrested by local militia and charged with organizing an unsanctioned demonstration. Abramovich was sentenced to 15 days' imprisonment, Telezhnikov to 10 days imprisonment, and Yasyuk was issued a \$404 (390,000 rubles) fine (see Section 1.d.).

On May 30, opposition activists Alexei Balashov and Sergei Garstuk were detained by police for hanging a white-red-white flag with a black mourning strip on Lenin Square in downtown Brest in commemoration of the 53 people killed in a stampede in a Minsk metro station in 1999. The activists were detained for several hours and charged with violating the law on mass gatherings and assemblies.

On June 19, Aleksandr Abramovich again was sentenced to 12 days' imprisonment for staging an unsanctioned demonstration in Borisov on June 15, in which demonstrators chained themselves to a flagpole in front of the city government building and demanded the resignation of the city executive chairman.

On June 20, United Civic Party activists Vladimir Romanovsky, Galina Goncharik, Lyudmila Bozhok, and Aleksei Rodionov were arrested for holding an unsanctioned rally near the Minsk city government building to protest the city government's repeated banning of opposition demonstrations. Romanovsky later was fined \$400 (390,000 rubles) for organizing the rally. Deputy Chairman of the Minsk City Executive Committee, Viktor Chikin, warned the trio that UCP activists needed to apply for permission to hold such demonstrations and further warned there would be harsher punishment if they continued to violate the laws on assembly.

On July 10, Minsk city authorities banned an annual Catholic procession in the center of Minsk commemorating the feast of Corpus Christi. The march, which regularly attracted up to 5,000 participants, had been held annually since 1991. A second appeal by the organizers also was denied. The denial of the march was considered by many human rights observers to be part of a larger crackdown on non-Orthodox religious groups (see Section 2.c.).

On July 18, three activists of the Belarusian popular front were convicted by a court in Zaslavl, in the Minsk region, and issued warnings for "attempting to organize a meeting with the community" and for "violating street demonstration regulations" on July 4. On July 4, the activists were attempting to organize an unsanctioned rally when they were arrested by police. On July 27, activists of the Belarusian Social Democratic Party staged an unsanctioned protest in front of the Gomel regional executive committee offices against the establishment of a

Fascist regime in Belarus. Yekaterina Gorovaya and Igor Romanov were arrested by local police and sentenced to 5 and 7 days' imprisonment, respectively, for organizing an unsanctioned demonstration.

On August 3, Alekandr Abramovich and local activists of the Belarusian Social Democratic Party held a rally in the center of Borisov to protest authorities efforts to curb dissent and urge authorities to resume the supply of hot water in the city. Police arrested Abramovich and four others. Abramovich was sentenced to 15 days' imprisonment for organizing an unsanctioned protest. In the first 9 months of the year, Abramovich spent over 100 days in detention for allegedly violating regulations on assemblies and demonstrations.

On August 6, local authorities in the town of Byarza, in the Brest region, banned the local branch of the Belarusian Popular Front from holding a public meeting with town residents. Authorities in nearby Belazzyorsk also banned a similar meeting the following day.

On September 16, human rights and opposition activists staged a demonstration in Minsk on the anniversary of the disappearance of Victor Gonchar and Anatoly Krasovsky. The demonstration was banned by the city authorities. At the conclusion of the demonstration, plainclothes men and uniformed police beat and detained several participants, including journalists monitoring the event. Charges against the participants later were dropped.

Prior to the parliamentary elections on October 15, law enforcement authorities banned small and large demonstrations across the country advocating an election boycott and arrested and fined hundreds of activists promoting the boycott (see Section 3).

The Belarusian authorities increased harassment of homosexuals. On February 21, Minsk police raided and closed, without explanation, a disco club known as a meeting place for homosexuals. On September 7, Minsk city authorities banned a Gay Pride-2000 parade in downtown Minsk, scheduled for September 9. On September 7, Minsk authorities also closed another night club where festivities were being held to mark the opening of the Gay Pride-2000 weekend. In 1999 the Ministry of Justice denied registration to country's only lesbian and gay rights NGO.

Authorities provide for freedom of association; however, the authorities do not respect and severely restricts this right in practice. According to members of parties in opposition to the President, authorities frequently deny permission to opposition groups to meet in public buildings. Employees at state-run enterprises are discouraged from joining independent trade unions (see Section 6.a.). The authorities regularly harass members and supporters of opposition parties and confiscate leaflets and publications. Officials have warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

On January 26, 1999, Aleksandr Lukashenko issued Decree No. 2, requiring all political parties, trade unions, and nongovernmental organizations to reregister with authorities by July 1. Such public associations completed a lengthy reregistration process in 1995. The timing of the decree, which increased the scope of operations and number of members that organizations would need to demonstrate to qualify for reregistration, apparently was intended as a method of political intimidation at a time of increased opposition activity. On July 1, 1999, regulations that prohibited private organizations from using private residences as their legal addresses were announced. In view of government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process.

After the reregistration process had begun, the authorities announced that organizations would have to alter their charters to indicate recognition of the 1996 Constitution and that the words "popular" or "national" could not be used in their titles. On December 17, 1999, an amendment to the Law on Public Associations went into effect that prohibits political and social organizations from using the words "Belarus," "Republic of Belarus," "national" or "popular" in their titles. Also in December 1999, Lukashenko signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of an unregistered NGO punishable by fines. Although most of the major political parties and unions that applied were allowed to reregister, according to the Assembly of Belarusian Prodemocratic NGO's, only 1,268, or 57 percent of the NGO's in existence when the reregistration law went into effect were reregistered by the summer of 2000. A total of 202 NGO's were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year's end.

On April 11, the Gomel regional court ordered a local association for the unemployed, founded in 1992 by human rights monitor Yevgeny Murashko, to be closed for failure to comply with the January 1999 decree on NGO reregistration. On May 16, Malady Front, the youth wing of the Belarusian Popular Front, applied for registration under the new legislation. On August 17, the Ministry of Justice notified the Malady Front that its application was still "under consideration," the application later was rejected.

On July 17, the Francisak Skaryna Belarusian language society (BLS) was issued a warning by the Ministry of Justice under Article 28 of the Law on Public Associations for misuse of the organization's seal.

On July 19, the opposition United Civic Party received two written warnings from the Ministry of Justice also for misuse of blank forms and seals. One warning was issued because the party's e-mail address was printed too close to the seal on the party's letterhead. A third warning was issued on July 31 to the party for allegedly illegally establishing a party cell at a chemical factory. By September the party had been issued a total of five warnings. Although two warnings are sufficient for the Justice Ministry to close an organization, the warnings appeared to be attempts to intimidate and harass opposition political organizations, and no attempts had been made to close the organizations as a result of these warnings.

Authorities continued to attempt to limit severely the activities of NGO's (see Section 4).

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the authorities restrict this right in practice. Although Article 16 of the 1996 amended Constitution, which resulted from an illegal referendum, reaffirms the equality of religions and denominations before the law, it also contains restrictive language that stipulates that cooperation between the State and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

Since his election as the country's president in July 1994, Lukashenko has pursued a policy of favoring the Orthodox Church as the country's chief religion and harassing other non-Orthodox religions. Lukashenko and the authorities encourage a greater role for the Orthodox Church. The President grants the Orthodox Church special financial advantages that other denominations do not enjoy and has declared the preservation and development of Orthodox Christianity a "moral necessity." On April 30, Lukashenko said on state radio that "nobody will disturb our Orthodoxy" and pledged that the State "will do everything for the Church to be a pillar of support for our State in the future." In December 1999, Lukashenko said that politicians and the Head of State bear responsibility for preserving Christian values, for maintaining religious peace in society, and for harmonious cooperation between the State and the Church. Lukashenko also said that the Church should be more active in promoting the unity of Slavic nations because Slavic integration is in the interests of both the State and the Church. In 1998 Lukashenko pledged state assistance to the Orthodox Church and stressed that Orthodoxy would remain the "main religion."

The State Committee on Religious and National Affairs (SCRNA), which was established in 1997, categorizes religions and denominations. Some are viewed as "traditional," including Russian Orthodoxy, Roman Catholicism, Judaism, and Islam (as practiced by a small community of ethnic Tatars with roots in the country dating back to the 11th century); some are viewed as "nontraditional," including some Protestant and other faiths; and some are viewed as "sects," including Eastern religions and other faiths. The authorities deny permission to register legally at the national level to some faiths considered to be nontraditional and to all considered to be sects. Without registration it is extremely difficult to rent or purchase property in order to hold religious services.

The authorities deny some minority religious faiths permission to register officially and treat them as sects. In 1998 SCRNA official Vyacheslav Savitskiy announced that "11 destructive religious organizations, which have been denied registration after expert examination, illegally function in the country." In April 1999, a conference organized by the Orthodox Church and the National Assembly discussed the need to introduce legislation to combat "destructive sects" that operate illegally in the country. More recently the authorities continued to deny repeated attempts by the Belarusian Orthodox Autocephalous Church (BOAC) to register. Following a raid by local police on a private house where a prayer service was being held, Ivan Spasyuk, a BOAC priest, went on a hunger strike on November 7, 1999, in order to protest the authorities' refusal to register his parish in the Grodno region. On November 28, 1999, at the urging of his family and parishioners, Spasyuk called off the hunger strike. Local courts so far have refused to hear appeals made by the BOAC to overturn the Lukashenko regime's decision not to register their churches. Because of ongoing registration problems, including the inability to register a seminary, the BOAC is unable to train a sufficient number of priests to meet the growing needs of its parishioners.

A number of Protestant faiths confront a situation in which they are refused registration because they do not have a legal address and are refused property that could qualify as a legal address because they are not registered. The Full Gospel Pentecostal churches regularly are refused registration in this way. Article 272 of the Civil Code states that property may only be used for religious services once it has been converted from residential use. However, the authorities decline to permit such conversion to unregistered religions. Religious groups that can not register often are forced to meet illegally or in the homes of individual members. Several charismatic and Pentecostal churches have been evicted from property they were renting because they were not registered as religious organizations. A number of nontraditional Protestant and other faiths have not attempted to register because they do not believe that their applications would be approved. The publication of religious literature for unregistered religions likely would be restricted in practice, especially at state-controlled publishing houses. However, there were no reports of restrictions on the importation of religious literature. State employees are not required to take any kind of religious oath or practice elements of a particular faith. However, the practice of a faith not viewed to be traditional, especially one not permitted to register, could disadvantage possible advancement within the bureaucracy or state sector.

Citizens are not prohibited from proselytizing; however, the authorities enforce a July 1995 Council of Ministers decree that controls religious workers in an attempt to protect Orthodoxy and prevent the growth of evangelical religions. A 1997 Council of Ministers directive prohibits teaching religion at youth camps. In February 1999, the Council of Ministers passed Decree No. 280 which expanded upon these earlier regulations. The decree appears to stipulate, among other things, that among foreign religious workers, only male clergy may engage in religious work upon invitation from a religious organization already officially registered, a provision that could be invoked to prohibit female religious clergy, such as Catholic nuns, from engaging in religious activity. However, this provision has not been tested in the courts.

During the year, the authorities stepped up its efforts to curb the role of foreign clergy. In April the Council of Ministers introduced changes to its regulations, that allow internal affairs agencies to expel foreign clergymen from the country by not extending their registration or by denying them a temporary stay permit. Under the new regulations, these authorities are allowed to make decisions on expulsion on their own or based on recommendations from religious affairs councils, regional executive committees, or from the religious affairs

department of the Minsk City Executive Committee. Appeals to judicial bodies are not provided for.

As part of efforts to curb the influence of foreign clergy, on March 18, two law enforcement officials entered the Roman Catholic church of the Exaltation of the Holy Cross in Brest, during a church service, and arrested Catholic Priest Zbigniew Karolak, a Polish citizen, for allegedly violating visa regulations and charged that his religious work was "illegal." Regional government officials had criticized publicly Karolak for his "undermining views." In addition a court in Brest issued warnings to four supporters of Karolak for staging an unauthorized demonstration following the priest's arrest. Karolak departed the country in June, following warnings from authorities that he would be removed by force if he did not depart the country. Subsequent to Karolak's departure, a Brest regional court in November overturned the legality of the deportation order and a police order barring Karolak from entering the country for 10 years. In February the Belarusian pastor of a Pentecostal church was warned by SCRNA authorities that a public sermon was performed in his church by a citizen of Ukraine in violation of the law on religion and that a future violation of the law would lead to a revocation of his church's registration.

Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the authorities view as nontraditional faiths or sects, which include Protestant groups. Foreign missionaries may not engage in religious activities outside the institutions that invited them. One-year validity, multiple-entry, "spiritual activities" visas, which are required officially of foreign missionaries, can be difficult to get, even for faiths that registered with the authorities and have a long history in the country. Foreign clergy or religious workers who do not register with the authorities or who have tried to preach without government approval or without an invitation from, and the permission of, a registered religious organization, have been expelled from the country. Approval often involves a difficult bureaucratic process.

Officially sanctioned newspaper attacks on minority faiths increased. For example, on April 19, the Narodnaya Gazetta, a state-owned and published newspaper, carried an article with the headline "The Prospect Looms for Belarus to Become a Protestant Republic, or We are Incessantly Being Urged to Deny the Faith of our Ancestors." The article stated that Protestant groups engage in fanatical rituals, including the ritual use of human blood and human sacrifice. The article claimed that Protestant groups present a threat to the country and urged the Government to take steps to protect Orthodoxy. In a similar article in January, state-owned Narodnaya Gazetta criticized the leader of the BOAC, Ivan Spasyuk, accusing him of criminal activities and characterized the church as the "spiritual followers of Hitler." Attacks on Protestant faiths have also appeared on state-owned television. In November and December, a documentary entitled "Expansion" was aired on state television, which alleged that Protestant community carried out fanatical rituals. Protestant pastors appealed to the courts to stop the television programs, but they were denied.

Societal anti-Semitism persists, and the Lukashenko regime has done little to counter the spread of anti-Semitic literature. In January the World Association of Belarusian Jewry and the Human Rights Center stated that Lukashenko was anti-Semitic and said that the government had refused to establish Jewish schools, help maintain Jewish cemeteries and historic monuments, or create memorials to Belarusian Holocaust victims. In May the Minsk city court refused to hear an appeal brought by Jewish organizations to stop the publishing and sale of the book "War According to Mean Laws," published by the Orthodox printing house, which, among other anti-Semitic writings, included the "Protocols of the Elders of Zion" and blamed Jews for societal and economic problems in the country (see Section 5). There has been a noticeable lack of government action in redressing instances of anti-Semitic vandalism in previous years. In April tax inspectors prohibited the central synagogue in Minsk from distributing Matzoh for Passover among members of the Jewish community. The tax inspectors reported that the synagogue would need to obtain a special license, register as a taxpayer, and open a store that would meet certain additional requirements, thereby effectively making distribution during the Passover celebration impossible.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

According to the Constitution, citizens are free to travel within the country and to live and work where they wish; however, the authorities restrict these rights in practice. The authorities issues internal passports to all adults, which serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

In June 1999, the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a "propiska" (pass) or the compulsory registration of their residence address. Under article 182 of the Administrative Code, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, it remains unclear to what extent this court decision actually has affected local security officials. In practice the right to choose one's residence remains restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the "propiska" system, but there were no reports that this program was implemented.

Official regulations on entry and exit require citizens who wish to travel abroad to receive first a "global" exit visa in their passport, valid for between 1 and 5 years. Once the traveler has these documents, the law does not restrict travel. The authorities have delayed issuing "global" exit visas to some opposition activists in an effort to hinder their political activity abroad.

Following the dissolution of the Supreme Soviet in 1996, the Lukashenko regime took measures aimed at limiting the travel of opposition politicians who refused to submit to the legislature created by the November 1996 referendum. Parliamentarians who did not join the new legislature could no longer travel on their diplomatic passports, despite the fact that these individuals had been assured that they would retain their status as deputies until their terms of office expired. Although their diplomatic passports were not confiscated, the

border guards reportedly had a blacklist of opposition members who were to be denied exit from the country if they used a diplomatic passport. Subsequent to the 1997 refusal by border guards to allow former Supreme Soviet Chairman Stanislav Shushkevich and Parliamentary Deputy Anatoly Lebedko to travel abroad on their diplomatic passports, a number of members of the former Supreme Soviet have either acquired regular passports and have been allowed to travel abroad or have departed from Russia using their Belarusian diplomatic passports. The Government has delayed issuing passports to several opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

According to official data, the State did not deny any citizen permission to emigrate. However, legislation restricting emigration by those with access to "state secrets" remained in effect, and any citizen involved in a criminal investigation also was ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The Constitution gives aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The Constitution also allows the state to grant refugee status to persons who were being persecuted in other states for their political and religious convictions, or because of nationality. There is no law on first asylum, nor has it signed readmission agreements with any of its neighboring states.

The authorities cooperate with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1997 the authorities implemented for the first time the 1995 law on refugees, granting refugee status to a group of Afghans. The UNHCR reported that throughout the year, 169 applications were submitted for refugee status and 219 applications were rejected at the registration stage. The Deputy Minister of Labour told journalists in July that 2,000 aliens applied for refugee status in Belarus since 1997 and 385 applications were approved. Of the 385 applicants 294 were from Afghanistan. The Ministry reported that illegal aliens in the country were estimated to number between 150,000 and 200,000 during the year.

The UNHCR noted in its July report that the Minsk city and Minsk region migration services regularly refuse to accept illegally arriving new refugee applicants and instruct such persons to apply with migration authorities in other regions. Regional migration services also continued to deny registration of refugee applications for refugee status of those asylum seekers who came through countries considered as safe (mainly Russia).

The UNHCR had no reports of any case of bona fide refugees being forced to return to countries in which they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government.

The Lukashenko regime severely limits the rights of citizens to change their government. In October parliamentary elections occurred for the first time since the disputed referendum of 1996. The elections followed a year of intense domestic and international activity that sought to create conditions for democratic elections. According to OSCE/ODIHR, these elections failed to meet international standards for democratic elections. In particular the elections fell far short of meeting the minimum commitments for free, fair, equal, accountable, and transparent elections. Despite some minor improvements since previous elections, the process remained seriously flawed.

In the October election, 769 candidates were nominated for the 110 seats. Of the 769, 551 were eventually registered by the District Election Commissions (DEC's). The Government severely restricted public participation on the electoral commissions. The Central Election Commission (CEC) accepted 23 more, who appealed their initial rejection by the DEC's and the Supreme Court accepted the appeals of 5 individuals who were rejected by the CEC. A total of 578 candidates ultimately registered, 11 later withdrew, and one had his registration cancelled. Candidate registration procedures were abused systematically to prevent undesirable candidates, especially those opposed to the regime. Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates access to the media and voter choice. Political coverage during the election period in both the electronic and print media was dominated by the president and executive branch. During the election, provisions for early voting, mobile ballot boxes, vote counting and the aggregation of results fell far short of minimum transparency requirements for independent verification. There were widespread reports of citizens employed in state enterprises, students and teachers, and those in the military being forced to vote or risk losing their position. Voter turnout in many constituencies fell below the required 50 percent threshold, but electoral authorities falsified and amended voter lists to raise turnout to the required minimum.

Numerous rallies and boycotts were held throughout the campaign; some were peaceful, and others were disrupted by government authorities (see Section 2.b.). During the election campaign, coverage of politics, including the election was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

The possibilities of electoral choice had been limited severely by earlier changes promulgated by Lukashenko in the country's initially democratic constitution. In November 1996, the executive branch conducted a controversial constitutional referendum that was neither free nor fair, according to credible international observers, including representatives of the European Union and the OSCE. Many members of Parliament and of the Constitutional Court actively opposed Lukashenko's proposals for both substantive and procedural reasons. The justices asserted that the referendum gave Lukashenko control over the legislative and judicial branches of Government and extended his term in office. They also criticized it on procedural grounds as an unconstitutional means to eliminate the Constitution's checks and balances and grant the President virtually unlimited powers.

In the period leading up to the referendum, opponents of Lukashenko's proposals were denied access to the media, election officials failed to record the names of early voters, and no texts of the proposed Constitution were made available to voters until several days after citizens began voting. As a result of these irregularities, the head of the Central Election Commission (CEC) announced prior to the event that he would not be able to certify the results of the referendum. Lukashenko promptly fired him, although the Constitution in force at the time gave the Parliament the exclusive authority to appoint and dismiss the CEC chairman. Members of the security forces forcibly removed the head of the CEC from his office. Shortly thereafter Prime Minister Mikhail Chigir resigned in protest at Lukashenko's refusal to cancel the widely criticized referendum.

Most members of the international community chose not to send election monitors to observe the referendum because of the illegitimacy of the entire process. International human rights organizations protested the conduct of the referendum.

The Constitutional Court formally ruled that the issues posed in Lukashenko's referendum could not be decided legally through a referendum and that its results should be purely advisory, consistent with the Constitution. However, after winning the referendum—according to the authorities' own official

count—Lukashenko began to implement it immediately. The new Constitution established a bicameral legislature. Its 110 member house was formed out of the membership of the existing Supreme Soviet; deputies volunteered or were lured by promises of free housing and other benefits to serve in the body. The 64-member upper house was created by a combination of presidential appointments and elections by the 6 regional or oblast councils and the Minsk city council. The transition left 86 electoral districts underrepresented because the new Constitution reduced the number of representatives, and also because a full Supreme Soviet had never been seated, largely due to the executive branch's restrictive intervention in the 1995 parliamentary elections.

On August 31, 1999, legislative amendments to the 1996 Referendum Law, which the OSCE AMG declared were not in accordance with international standards, came into force. The amended law provides that referendums may be initiated by the President, the President's National Assembly, or 450,000 signatories of a petition—including a minimum of 30,000 in the City of Minsk and in each of the country's six oblasts. The law makes 10 percent of all signatures subject to verification, and all signatures may be invalidated if the commission finds just 1 percent (4,500 signatures) to be faulty. It also gave the President the prerogative to decide on the validity of referendum results.

Women are underrepresented in government and politics, although there are no legal restrictions on their participation. With the exception of the judiciary, social barriers to women are strong, and men hold virtually all of the leadership positions. In the legislature, women held 10 of 97 seats in the lower house and 19 of 62 in the upper house. The deputy chair of the upper house is a woman. The Minister of Social Security is the only female member of the Council of Ministers. The head of the Government's Central Election Commission also is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Several domestic human rights groups are active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations. It also attempted to limit severely the activities of NGO's through a time consuming reregistration process, denial of registration, questionable tax audits, and other means (see Section 2.b.).

On May 20, the Minsk office of the Association for Legal Assistance to the Population, a local NGO providing legal assistance to opposition activists and the families of persons who have disappeared, was robbed under suspicious circumstances. Computers with files related to the investigation of the disappearance of former Interior Minister Yuri Zakharenko, among other items, were stolen (see Section 1.b.). Most human rights observers believed that the robbery was perpetrated by members of the security services. On May 29, in a similar incident, the offices of the Human Rights Center, headed by human rights lawyer Vera Stremkovskaya, was burglarized, and files of human rights violations stolen. There were no reports that authorities made credible efforts to investigate these incidents.

On August 26, the Ministry of Justice issued a warning to the Human Rights Center for using unregistered symbols. It issued similar warnings to other influential local human rights organizations, including Viasna (Spring), the Belarusian Helsinki Committee, and Charter '97. On August 27, the Youth Organization Civic Forum was issued a warning for printing an article about poor living conditions at university dormitories in its newspaper. Civic Forum previously was issued two warnings for misuse of symbols. These warnings were part of an overall effort by authorities to hinder the work of human rights organizations critical of the Lukashenko regime.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGO's whose members have been allowed to visit the country; however, the authorities have increased its harassment of international NGO's working in the country. One way in which the authorities regularly harassed NGO's was through taxes. In February the International Research and Exchanges Board (IREX) Pro Media office, an international NGO working on freedom of media issues, reported a pattern of harassment from the tax police, involving independent media outlets with which it was working. Some organizations working with IREX/Pro Media were fined or had their bank accounts frozen. Tax authorities have seized the Foundation's Magic

Printing Press as well (see Section 2.a.).

On May 31, an employee of the Belarus office of a Western legal NGO foiled an attempted burglary of its Minsk office. When asked to provide identification, one of the three burglars claimed that they represented official law enforcement agencies. Although the local police were contacted, they refused to provide assistance, and no further investigation into the incident was made by the authorities. The NGO believes the burglary attempt was connected to their efforts to advise and support human rights and rule of law projects. In 1998 after protracted negotiations, the authorities approved the opening in Minsk of the OSCE's AMG office. Although the authorities often have disregarded OSCE intervention on human rights cases and its advice on draft legislation, the OSCE's presence in Minsk provides a potentially important forum for dialog on these issues. In September 1999, through OSCE-brokered meetings initiated by the OSCE Parliamentary Assembly's Belarus ad hoc committee Chairman Adrian Severin, government and opposition representatives began a dialog to try to resolve the country's ongoing constitutional and political crisis. By the end of 1999, the process had been brought to a standstill and in February 1999 the Lukashenko regime withdrew from the dialog and created a sham sociopolitical dialog with handpicked proregime NGO's. The new dialog likewise did not produce any results. On March 25, while observing an opposition demonstration in Minsk (see Section 2.b.), an officer of the OSCE AMG was arrested forcibly and detained for several hours, despite the fact that he clearly identified himself as a diplomatic observer and claimed diplomatic immunity.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.

The Constitution states that all citizens are equal before the law and have the right, without any discrimination, to equal protection of their rights and legitimate interests. However, the Constitution does not prohibit specifically discrimination based on factors such as race, sex, or religion. The Law on Citizenship, grants citizenship to any person living permanently on the territory of the country as of October 19, 1991. Those who arrived in the country after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years.

Women

Although statistics are not available, domestic violence, including spousal abuse against women, is a significant problem, according to women's groups. However, spousal abuse is punishable under the Criminal and Administrative Codes.

Non-severe beating is punishable by a fine or up to 15 days imprisonment. More serious offenses are punishable under the Criminal Code by up to 15 years in jail. Women's groups indicate that police generally are not hesitant to enforce the laws against domestic violence, and that the courts are not reluctant to impose sentences. The main problem is a general reluctance among women to report instances of domestic violence. Violence against women was not the subject of extensive media coverage, marches, or demonstrations during the year.

Although the authorities and local human rights observers report that prostitution does not yet appear to be a significant problem in the country, there is much anecdotal evidence that it is growing. Local street prostitution appears to be growing as the economy deteriorates, and prostitution rings operate in state-owned hotels. Young women seeking to work or travel abroad also are vulnerable to sexual exploitation. The Ministry of Internal Affairs claims that very few women are deported back to the country for engaging in prostitution; however, it acknowledges that Russian criminal organizations may actively try to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East. Trafficking in women is a growing problem (see Section 6.f.).

Sexual harassment reportedly is widespread, but no specific laws deal with the problem other than laws against physical assault.

The law requires equal wages for equal work; however, such is not always the case in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job candidates. At a roundtable on April 20 on "The Problem of the Trade in Women in Belarus," it was reported that the average length of unemployment for women was 18.4 months versus 5 months for men. In 1999 the Government reported that approximately 64 percent of those considered to be long-term unemployed are single mothers.

The level of education of women is higher than that of men. Women make up approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. In these sectors, between two-thirds and three-fourths of employees (mostly women) live beneath the official poverty level. Women legally are equal to men with regard to property ownership and inheritance.

Women's groups are active; most focus on issues such as child welfare, environmental concerns (in the aftermath of Chernobyl), and the preservation of the family. There is an active women's political party. A private university in Minsk established the country's first gender studies faculty in 1997.

Children

The authorities are committed to children's welfare and health, particularly as related to consequences of the

nuclear accident at Chernobyl, and, with the help of foreign donors, tried to give them special attention. By law everyone is entitled to health care, including children. There does not appear to be any difference in the treatment of girls and boys. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also is available at no cost on a competitive basis. Families with children receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty are families with multiple children or single mothers.

As part of the Lukashenko regime's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion of, or the teaching of, students in the Belarusian language by limiting the availability of early childhood education in Belarusian. In its June report, the Belarusian Helsinki Committee reported that only 30 percent of students in primary schools are instructed in Belarusian. In Minsk only 11 of the 242 middle schools teach in the Belarusian language. In other regional cities, the numbers were significantly lower. The authorities continued to claim that the only schools that have been closed which taught in the Belarusian language are those that experienced diminishing enrollment.

There does not appear to be a societal pattern of abuse of children.

People with Disabilities

A 1992 law mandates accessibility to transport, residences, businesses, and offices for the disabled; however, facilities, including transport and office buildings, often are not accessible to the disabled. The country's continued difficult financial condition makes it especially difficult for local governments to budget sufficient funds to implement the 1992 law. The central authorities continue to provide some minimal subsidies to the disabled. However, continued high inflation and sharp decline in the value of the ruble greatly reduced the real worth of those limited subsidies.

Religious Minorities

Societal anti-Semitism exists but usually is not manifested openly, although antimorality faith sentiments are rising (see Section 2.a.). In the past, Lukashenko and other officials have used coded anti-Semitic language in their attacks on perceived opponents.

No arrests were reported in the April 1999 arson attack on the synagogue in Minsk or in a number of cases of desecration of Jewish cemeteries in 1997 and 1998. Some instances of vandalism appeared to be related to anti-Semitism. On May 11, the Minsk city court upheld the dismissal by an inferior court of a suit filed by Jewish organizations and individuals against the authors and publishers of the book "The War According to Mean Laws." The book published by the Orthodox Initiative and distributed in Orthodox bookstores, includes the "Protocols of the Elders of Zion" and other anti-Semitic articles and blames Belarusian Jews for social and economic problems in the country. A Minsk district court ruled in March that the book contained "scientific information" and dismissed the suit. The Union of Belarusian Jewish Associations and Communities and the World Association of Belarusian Jews, both of which joined in the suit, consider the book anti-Semitic and punishable under the Criminal Code for inciting religious and ethnic hatred (see Section 2.c.). On December 27, unidentified assailants threw firebombs at a synagogue in Minsk. A security guard was able to extinguish the fire before serious damage occurred. No progress has been reported on the incident.

Action by the authorities has been noticeably lacking in redressing instances of anti-Semitic vandalism in previous years. According to the Anti-Defamation League and the World Jewish Congress, a number of small, ultra-nationalist organizations operate on the fringes of society, and a number of newspapers regularly print anti-Semitic material. One of these newspapers, *Slavianskaia Gazeta*, although distributed locally, reportedly was published in Moscow. Anti-Semitic material from Russia also circulates widely.

Many persons in the Jewish community remain concerned that the Lukashenko regime plans to promote greater unity with Russia may be accompanied by political appeals to groups in Russia that tolerate or promote anti-Semitism. Lukashenko's calls for "Slavic solidarity" are well received and supported by anti-Semitic, neo-Fascist organizations in Russia. For example, the organization, Russian National Unity, has an active local branch. Its literature is distributed in public places in Minsk. The concept of a "greater Slavic union," the leadership of which Lukashenko seeks, is a source of concern to the Jewish community given the nature of support that it engenders.

The country's small Muslim community, with roots in the country dating to the Middle Ages, does not report significant societal prejudice. However, on August 9, 1999, the Slonim mosque—the first mosque to open in the country during the last 60 years—was vandalized just prior to the holding of a Tatar youth convention in the city. There are no further developments on the investigation of the incident.

Section 6 Workers Rights

a. The Right of Association

The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights, including the right to strike; however, these rights are not respected in practice. The independent trade union movement still is in its infancy. The Belarusian Free Trade Union (BFTU) was established in 1991 and registered in 1992. Following the 1995 Minsk metro workers strike, the President suspended its activities. In 1996 BFTU leaders formed a

new umbrella organization, the Belarusian Congress of Democratic Trade Unions (BCDTU), which encompasses 4 leading independent trade unions and is reported to have approximately 15,000 members.

The authorities have taken numerous measures to suppress independent trade unions. Members of independent trade unions, were arrested for distributing union literature, had union material confiscated, were denied access to work sites, were subjected to excessive fines, and were pressured by their managers and state security services to resign from their jobs because of trade union activities. Although the BFTU later was registered, its local unions were denied registration by local authorities in many towns, including Bobruisk, Grodno, Mogilev, and Orsha among others. In the Brest Oblast, only 5 of 12 local unions of the BFTU were registered by June, and in numerous instances union activists and members were fired, without cause, for their union activities.

On January 26, 1999, Lukashenko signed Decree No. 2 "On certain Measures to Improve the Activities of Political Parties, Trade Unions, and Other Public Associations Activities," which among other requirements, requires trade unions to have a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The Decree also obliged existing registered unions to reregister and meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

In February the management of the Mogilev Automobile Factory (MAZ) unilaterally suspended its collective bargaining agreement with the local union of the BFTU, evicted the organization from its office, and confiscated office equipment. Several BFTU activists were dismissed by MAZ management in connection with their union activities.

The authorities continue to discourage employees at state-run enterprises from joining independent trade unions. In July 1999, Lukashenko signed Decree No. 29 on "Tightening Labor Discipline." The decree, which has as one of its aims the placement of all workers on individual rather than collective contracts, was criticized heavily by both independent and official union leaders, who believe that it was designed principally to enable the Presidential Administration to increase its control over the labor sector.

The Official Federation of Trade Unions of Belarus (FTUB), formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and is by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some FTUB leaders have become increasingly vocal in their criticism of the policies of the Lukashenko regime. In retaliation the Government has subjected some FTUB officials to threats and harassment.

On July 20, the Presidential Administration released a statement condemning "attempts by some union leaders to thrust a groundless thesis that the Government violates unions' rights upon Belarusian public opinion and the international community." The statement accused unions of engaging in "political activities...which cause direct damage to the labor movement and aggravates the socioeconomic problems of society." In a July 27 speech to an agriculture conference, Lukashenko criticized the trade unions, the FTUB, and FTUB President Goncharik personally, for a "lack of constructive activity" and blamed them for the loss of trade privileges with another country. On July 31, as part of the authorities' campaign of harassment of the FTUB, FTUB bank accounts were frozen following an unexplained investigation of the union's records by the state committee for financial investigations. FTUB accounts were frozen again on September 28 by tax authorities conducting an unspecified investigation. The account later was released. In an October 11 speech to the FTUB Congress, Prime Minister Yermoshyn told trade union leaders to "stop agitating people and get to work" and accused the FTUB of engaging in politics rather than focusing on the needs of workers.

During the year, members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of the newspaper Rabochi into their workplace under their clothing. On December 16, police detained 7 members of the Interdependent Trade Union of Steel Workers and confiscated 3,000 copies of Rabochi outside the entrance to the Minsk Automobile Plant.

On September 14, FTUB members reportedly were pressured by the management of Dzerzhinsky, a subsidiary of the state-owned electronics manufacturer Integral, to break with their union and join a management-established and -run union. The FTUB reported that union members at other Integral plants have been similarly threatened. Under reported pressure from management and government authorities, employees at Tsvetotron, a state electrical equipment factory, voted to quit the union of electrical workers, a member of the FTUB.

Tight control by the Lukashenko regime over public demonstrations (see Section 1.d. and 2.b.) makes it difficult for unions to strike or to hold public rallies to further their objectives. For example, a demonstration planned for November 15, organized by workers of the Minsk Tractor Works and the Minsk Engine Works to protest low pay and wage arrears was banned. Other demonstrations similarly were banned throughout the year. A strike organized by market vendors and entrepreneurs in February against new tax regulations, although ultimately successful, was marred by numerous arrests, confiscation of union literature, and anti-strike pressure from local officials. Market vendors staged a similar strike on November 23. Union members sometimes undertook work stoppages, usually in response to late payment of wages.

On July 3, noting that the authorities failed to respect the rights of workers, suppressed trade union rights and harassed union leaders, and that the authorities had not taken sufficient steps to conform to internationally recognized labor rights, a foreign government suspended the country's trade benefits.

b. The Right to Organize and Bargain Collectively

Legislation dating from the Soviet era provides for the right to organize and bargain collectively. Some analysts believe that the presidential decree on labor discipline (see Section 6.a.), which aims at placing all workers on individual rather than collective contracts, could significantly threaten the principle of collective bargaining. Since the economy still is largely in the hands of the State, unions usually seek political redress for the economic problems. Workers and independent unions have recourse to the court system. The authorities and state-owned enterprises have hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on the state of emergency or martial law; however, there were some reports of forced labor. For example, on July 12, town authorities in Ivatsevichy, in the Brest region, sent letters to local industrial enterprises and state institutions ordering them to increase the "voluntary" participation of their employees in harvesting of livestock fodder by 20 percent. Workers who refused to "volunteer" for the harvest were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified. With the possible exception of juvenile prisoners, forced and bonded labor by children is not known to occur.

d. State of Child Labor Practices and Minimum Age for Employment

The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified.

e. Acceptable Conditions of Work

Real wages improved slightly over the last year to approximately \$40 (48,000 rubles) to \$60 (72,000 rubles) a month. The minimum wage of \$3 (3,600 rubles) a month does not provide a decent standard of living for a worker and a family. Agriculture workers are paid approximately 39 percent less than the average monthly wage. The country's continuing economic problems make it difficult for the average worker to earn a decent living. Major wage arrears continued to grow, especially in the agricultural sector.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. Because of the country's difficult economic situation, an increasing number of workers find themselves working considerably less than 40 hours per week. Factories reportedly often require workers to take unpaid furloughs due to shortages of raw materials and energy, and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often are ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations often are ignored. The high accident rate is due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job.

On January 4, Aleksandr Lukashenko issued a new decree, despite the protests of independent trade unions, lowering the level of disability allowances paid by the State or state enterprises in the result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

f. Trafficking in Persons

There is no specific law against trafficking in women. The authorities are just beginning to recognize the problem of trafficking in women. In 1999 a Board of Morals and Illegal Distribution of Drugs was created by the Ministry of Interior, but the work has been hardly efficient. In partnership with the U.N. Development Program (UNDP), the Gender Information and Policy Center (GIPC) was established by the Ministry of Social Welfare which also deals with this issue. The country is both a source and transit point for women and girls being trafficked to Central and Western Europe for purposes of prostitution. Information from such scattered destinations as the Netherlands, Lithuania, and Bosnia, refer to Belarus among the source countries for women being trafficked to or through their countries, and other anecdotal evidence suggests that the Russian Mafia is active in trafficking young women, who end up as prostitutes in Cyprus, Greece, Israel, and Western Europe. The Ministry of Internal Affairs acknowledges that Russian criminal organizations actively may try to recruit and lure women into serving as prostitutes in Western Europe and the Middle East.

Women seldom report incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation, and the insufficient protection of victims and witnesses.

In April a seminar was held in cooperation with the Ministry of Interior and NGO's in which NGO's elaborated on programs devoted to warning the public about the problem. The Belarus Young Christians Women Association (BYCWO) implements a project aimed at informing women of the risks associated with employment abroad and the minimization of possible dangers for women. No information is available on state or non-governmental initiatives to help victims return to their countries. Crisis centers established by some NGO's do provide psychological assistance to victims of violence. Such centers, however, do not have specialists dealing with victims of trafficking.

[End.]

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