

Flygtningenævnets baggrundsmateriale

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Freedom in the World 2017 - Belarus

Freedom Status: Not Free

Aggregate Score: 20/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 7/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 9,500,000

Capital: Minsk

GDP/capita: \$5,740

Press Freedom Status: Not Free

Net Freedom Status: Not Free

OVERVIEW

Belarus is an authoritarian state in which elections are carefully managed and civil liberties are minimal. Limited displays of dissent have been permitted in recent years, as the war in neighboring Ukraine, growing regional tensions, and a struggling economy motivate the government to seek better relations with the European Union (EU) and the United States.

Key Developments in 2016:

- Parliamentary polls held in September failed to meet international standards for democratic elections. However, two opposition candidates won representation.
- The European Union (EU) lifted most sanctions against Belarus in February.
- The government permitted several street demonstrations.
- Authorities continued to hold a number of political prisoners.

Executive Summary:

As the government continued hosting consultations on the implementation of Minsk Agreement to end the conflict in Ukraine, the EU and United States muted their criticism of human rights abuses and the authoritarian political system in Belarus. The Belarusian government, meanwhile, worked to develop economically beneficial partnerships with both. The EU lifted most of its sanctions against the country in February.

Parliamentary elections were held in September. Like previous elections, they failed to meet international standards. However, two independent candidates were admitted to the parliament for the first time since 2000.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 5 / 40 (+1)

A. Electoral Process 0 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

The president is elected for five-year terms without limits. The 110 members of the Chamber of Representatives, the lower house of the rubber-stamp National Assembly, are popularly elected for four years from single-mandate constituencies. The upper chamber, the Council of the Republic, consists of 64 members serving four-year terms; 56 are elected by regional councils, and 8 are appointed by the president.

Since Alyaksandr Lukashenka was democratically elected to his first presidential term in 1994, all elections and referenda in Belarus have been marred by systemic violations that undermined the legitimacy of their outcomes.

In 2015, Lukashenka secured his fifth term in a noncompetitive presidential race. Organization for Security and Co-operation in Europe (OSCE) observers concluded that the elections fell considerably short of the group's standards for democratic elections, citing significant violations in the counting of the results. The observers did take note of several positive developments, including the participation of the first-ever female presidential candidate and the peaceful pre- and postelection environment; the latter was welcomed as an improvement given the brutal crackdown on protests surrounding the 2010 election. However, key opposition figures refused to recognize the results of the 2015 election, citing in part a series of irregularities related to early voting.

The OSCE observation mission similarly assessed the September 2016 parliamentary elections, saying they took place in a restrictive environment and that electoral procedures lacked transparency. However, there was less pressure on independent candidates, the general atmosphere was calm, and two candidates not associated with Lukashenka gained seats in the lower chamber.

The legal framework for elections fails to meet democratic standards. Among other problems, electoral commission members of all levels are politically aligned with and dependent on the government, and independent observers have no access to the ballot-counting process. The access of the opposition to state-run media has improved somewhat, but it remains under tight control while heavily favoring Lukashenka.

B. Political Pluralism and Participation 4 / 16 (+1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

There is no official progovernment political party, and very few lawmakers are affiliated with any party. Two candidates not considered allies of Lukashenka, Hanna Kanapatskaya of the United Civil Party and Alena Anisim of the Belarusian Language Society, gained seats in the Chamber of Representatives in the 2016 legislative elections, ending a long period without opposition in the parliament.

Lukashenka employs various tools to weaken and divide the opposition, with some suggesting that permitting the two opposition candidates entry to the parliament was an example of this strategy. For example, some dismissed their election as immaterial and designed to placate the opposition, though others nevertheless consider their representation an opportunity to advance a democratic agenda on the institutional level. Their activity in the parliament may create stronger incentives for people to exercise independent political activity aimed at gaining power through elections.

Political parties encounter difficulties when seeking official registration. In 2016, the Ministry of Justice continued denying the registration to the Belarusian Christian Democracy party and the Tell the Truth movement, limiting the space of their political activities.

Six political prisoners were released in 2015 before their prison terms expired. However, according to human rights defenders, there are still political prisoners in the country, including activist Aliaksandr Lapitski, who was undergoing forced treatment in a mental institution, and Mikhail Zhamchuzhny, founder of the human rights organization Platform Innovation. Andrey Bandarenka, former leader of the associated group Platforma, was sentenced in 2014 to four years in prison on the basis of disputed charges.

For his role in 2010 protests, activist Uladzimir Kondrus was put on trial in November 2016; after attempting to cut his wrists in the courtroom, he was sent to a psychiatric facility for observation before being released in December on an 18-month suspended sentence, during which he was to undergo psychiatric treatment.

C. Functioning of Government 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with

openness and transparency?

The constitution vests most power in the president, giving him control over the government, the judiciary, and the legislative process by stating that presidential decrees have a higher legal force than ordinary legislation.

The state controls 70 percent of the Belarusian economy, feeding widespread corruption. In addition, graft is encouraged by an overall lack of transparency and accountability in government. Information on the work of about 60 government ministries and state-controlled companies, including the Ministry of Information and the state broadcaster, is classified.

There are no independent bodies to investigate corruption cases. Graft trials are held in a closed format isolated from the public, raising questions about the fairness of the process.

Civil Liberties 15 / 60 (+2)

D. Freedom of Expression and Belief 3 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

The government exercises almost total control over mainstream media. The 2008 media law secures a state monopoly over information about political, social, and economic affairs. Libel is both a civil and criminal offense, and the criminal code contains provisions protecting the "honor and dignity" of high-ranking officials, including greater penalties in cases of defamation or insult. In October 2016, a court convicted Eduard Palchys – the founder and author of the blog 1863x, which publishes political analysis – of inciting ethnic hatred and publishing pornography, but ruled not to imprison him.

Belarusian national television is under complete control of the state. The state-run press distribution monopoly limits the availability of private newspapers. Freelance journalists working for foreign, unaccredited news outlets continue to be harassed and persecuted.

In 2016, in an attempt to reduce the influence of pervasive Russian propaganda and to reach out to a broader domestic audience, state-run media started inviting nongovernmental experts, opposition politicians, and independent journalists to talk shows, bringing alternative opinions into the discussion. The state also limited the outright pressure on independent media.

The government owns the only internet service provider, and maintains control over the internet through legal and technical means. Amendments to the media law approved in 2015 further expanded the definition of mass media to include all websites and blogs, placing them under the supervision of the Ministry of Information. A July 2016 report by Amnesty International noted that the state engaged telecommunications companies in its efforts to control and curtail freedom of

expression, and concluded that the dissemination of communications technology had "increased the risk of repression" in Belarus.

Despite the constitutional guarantees of religious equality, government decrees and registration requirements maintained some restrictions on religious activity. Legal amendments in 2002 provided for government censorship of religious publications and barred foreigners from leading religious groups. The amendments also placed strict limitations on religious groups active in Belarus for less than 20 years. In 2003, the government signed a concordat with the Belarusian Orthodox Church, which is controlled by the Russian Orthodox Church, giving it a privileged position.

Academic freedom remains subject to intense state ideological pressures, and academic personnel face harassment and dismissal if they use liberal curriculum or are suspected of disloyalty. Regulations stipulate immediate dismissal and revocation of degrees for students and professors who join opposition protests. In 2015, Belarus was admitted to the Bologna Process on European standards for higher education under the condition that by 2018 it implement reforms to bring it into compliance with the process's principles.

The use of wiretapping and other surveillance by state security agencies limits the right to free private discussion.

E. Associational and Organizational Rights 3 / 12 (+2)

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The government restricts freedom of assembly for critical independent groups. Protests require authorization from local authorities, who can arbitrarily deny such permission. In the past, police would routinely break up public demonstrations and arrest participants. However, moves toward a rapprochement with the EU and United States motivated the government to ease such practices in 2016. Mostly, police refrained from beatings and arrests, but selectively imposed hefty fines on participants. Many street events were held without the usual rough treatment by police, including during the parliamentary election campaign.

Freedom of association is restricted. The participation in unregistered or liquidated political parties or organizations was criminalized in 2005. Their registration remains selective, and most human rights activists face potential jail terms ranging from six months to two years. Regulations introduced in 2005 ban foreign assistance to entities and individuals deemed to promote foreign "meddling in the internal affairs" of Belarus. In 2013, officials introduced legislation simplifying registration requirements for nongovernmental organizations (NGOs), but arbitrary denials of registration have not abated. Numerous unregistered NGOs operate despite the risk of prosecution.

Independent trade unions are under pressure, and their leaders are frequently fired and prosecuted for engaging in peaceful protests. No independent trade unions have been registered since 1999, when Lukashenka issued a decree setting extremely restrictive registration requirements. At the same time, in 2016, for the second year in row, authorities allowed independent trade unions to hold

demonstrations on the global World Day for Decent Work, in October. The International Labor Organization continues to call on the government to implement a series of steps to improve the conditions for independent trade unions' operation.

F. Rule of Law 2 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

Although the constitution calls for judicial independence, courts are open to significant executive influence. The right to a fair trial is often not respected in cases with political overtones. Human rights groups documented instances of beatings, torture, and psychological pressure during detention. In violation of international norms, the power to extend pretrial detention lies with a prosecutor rather than a judge. Separately, recent years have seen several instances in which former executives from state-run enterprises who have been convicted or are awaiting trial on corruption charges received clemency from the president, and were then immediately assigned to new senior positions.

Conditions in prisons and in pretrial detention facilities are dangerous. Shortages of food and warm clothing have been reported and medical facilities are inadequate.

Authorities deliberately create advantageous conditions for the Russian language to increase its dominance, while UNESCO recognizes Belarusian as a "vulnerable" language. Ethnic Poles and Roma often face pressure from the authorities and discrimination.

LGBT (lesbian, gay, bisexual, and transgender) individuals are subject to discrimination and regular harassment. The constitution explicitly bans same-sex marriage. The Belarusian government led an effort in 2016 to block LGBT rights from being part of a UN international initiative focused on urban areas.

Since 2014, thousands of people have fled to Belarus from the conflict in Ukraine, with many seeking asylum there. Belarus coordinates efforts to provide them with schooling and medical treatment with the Office of the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

G. Personal Autonomy and Individual Rights 7 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

While an internal registration system complicates freedom of movement and choice of residence, restrictions have been eased in practice in recent years, leaving few obstacles to domestic and international travel.

The state continues to dominate the economy, but limits on economic freedom have gradually decreased in recent years, allowing for greater property ownership, commercial activity, and small business operations.

There are significant discrepancies in income between men and women, and women are poorly represented in leading government positions. However, in December 2016, Natallya Kachanova was appointed the head of the presidential administration. Domestic and sexual violence against women are considered to be persistent and underreported. Sexual violence is addressed in the criminal code, and a 2008 law addresses the prosecution of domestic violence, but no effective legislative measures are aimed at preventing these problems.

Mandatory unpaid national work days, postgraduate employment allocation, compulsory labor for inmates in state rehabilitation facilities, and restrictions on leaving employment in specific industries have led labor activists to conclude that all Belarusian citizens experience forced labor at some stage of their life. Presidential Decree No. 3, adopted in 2015 and widely known as the "parasite tax," introduced taxation on people who work fewer than 183 days per year. The lack of economic opportunities led many women to become victims of the international sex trade.