



Belarus (88)

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BELARUS

Belarus has a government in which nearly all power is concentrated in the hands of the President. Since his election in July 1994 to a 5-year term as the country's first President, Alexandr 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. The President 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 Alexandr Lukashenko's continuation in office beyond the legal expiration of his term in July. Although the amended Constitution provides for a formal separation of powers, the President dominates all other branches of government. The current acting legislature 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 President 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 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 President Lukashenko's direction, the Presidential Guard--initially created to protect senior officials--continued to act against the President's political enemies with no judicial or legislative oversight. On May 25, the Law on the State Guard officially entered into force. The law, which already 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 committed numerous human rights abuses.

The country's political leadership opposes any significant economic reforms and remains committed ideologically to a planned economy. Government officials claimed that the gross domestic product (GDP) grew during the first 6 months of the year by 3 percent, but most independent analysts agree that any growth that has occurred was the result principally of continued massive credits to the debt-ridden state sector. Discriminatory foreign exchange controls have contributed to sharp declines in foreign trade and investment. Both exports and imports continued to fall given the country's growing isolation from world and regional trade flows. Foreign investment fell by 42 percent to \$30 million during the first 6 months of the year. Per capita GDP remained constant at approximately \$1,100, but in reality was probably much lower. Leading exports are trucks, tractors, chemical fertilizers, and fibers. The majority of workers are employed in the state industrial and agricultural sectors. Although the unreliability of official statistics makes it difficult to assess accurately economic conditions, living standards for many segments of society continued to decline. Annual inflation was over 350 percent. Following a doubling by the Government on May 1, average monthly wages stood at approximately \$40 at mid-year. Residents of small towns and rural areas, where incomes are particularly low and wage arrears more prevalent, sustain themselves through unreported economic activity and small gardens.

The Government's human rights record worsened significantly. The Government severely limits the right of citizens to change their government, and the President took severe measures to neutralize a large-scale public campaign initiated by opposition leaders to draw attention to the expiration of his legal term in office on July 20. Well-known political figures disappeared under mysterious circumstances. Security forces continued to beat political opponents and detainees. There were reports of severe hazing in military units during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated arrests increased, although most of those arrested soon were released. Prolonged detention and delays in trials were common and also occurred in a number of politically sensitive cases. Although one political prisoner was released, at least one other individual whose conviction human rights groups believe was politically motivated remains incarcerated. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Restrictions on freedom of speech, the press, and peaceful assembly continued, and the Government did not respect freedom of association. The Government 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. Societal anti-Semitism persists. Authorities continued to restrict workers' rights to associate freely, organize, and bargain.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

On May 7, former Minister of Internal Affairs Yuri 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. Witnesses reported seeing Zakharenko on the evening of his disappearance being pushed by several men into an unmarked car. According to Zakharenko's family, government security officials did little to look for him or inquire into the details of his disappearance. On May 19, Minister of Internal Affairs Yuri Sivakov stated publicly that there was "no information" to indicate that a crime had been committed against Zakharenko. An investigation into the disappearance apparently was begun only several months later after another opposition political figure disappeared in mid-September.

On September 16, following a meeting earlier during that day broadcast on state television in which President Lukashenko ordered the chiefs of his security services to crackdown on "opposition scum," 13th Supreme Soviet Deputy Chairman Viktor Gonchar disappeared, along with local business associate Anatoliy Krasovsky. 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. A high-profile antigovernment politician, Gonchar was considered an active fund raiser for the opposition. Although government authorities denied any involvement, there is no public evidence of concrete progress by government investigators to resolve the cases.

In mid-December, former National Bank chairwoman Tamara Vinnikova, who disappeared from an apartment where she had been held closely guarded under house

arrest since November 1997 (see Section 1.d.), reappeared. Vinnikova apparently was able to escape from her guards and eventually make her way to another country (see Section 1.d.).

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 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 credibly report that investigators coerce confessions through beatings and psychological pressure. Although such behavior is against the law, the Government seldom, if ever, punishes those who commit such abuses. Guards use force against detainees to coerce confessions as well as during routine activities. Police also beat demonstrators (see Section 2.b.).

On April 2, plainclothes security officials beat opposition activist Halina Kunina following an unsanctioned demonstration in Minsk, during which over 20 persons--including 9 minors--were detained. Kunina reportedly was hospitalized with a concussion for several days.

On April 25, Omon special forces militia in the city of Grodno used truncheons and tear gas to break up a peaceful demonstration of approximately 40 youths who were staging a march to mark the anniversary of the Chernobyl disaster. Subsequently, nine demonstrators were detained briefly for between 2 to 4 days, including one who required medical attention for a concussion she received during the incident.

On June 11, following a trial closed to the public, press, and international observers, the Supreme Court sentenced Viktor Yancheuski, Anatol Haurylau, and Raman Radzikouski to 11, 5, and 4 years in prison, respectively (Radzikouski later received amnesty) for their alleged roles in the murder of Lukashenko adviser and Mahileu local government official Yauhen Mikalutski. Mikalutski was killed in October 1997 by a radio-controlled car bomb. Independent local analysts speculate the murder was probably connected with the illegal trade of alcohol to Russia. Government authorities claimed that Valery Tkachev, another suspect in the case, committed suicide by hanging himself in a detention facility in December 1997. Relatives of Yancheuski, Haurylau, and Radzikouski claimed that government investigators used physical coercion against the defendants in order to try to get them to confess to a crime that they did not commit. The officers of the Minsk Advisory and Monitoring Group (AMG) of Organization for Security and Cooperation in Europe (OSCE), who were permitted to interview the defendants, found that their statements of beatings while in detention were credible, noted that it was clear that they were under heavy psychological pressure to cooperate, and that they had not been given access to legal counsel.

On July 17, Uladimir Antonaw, a 20-year-old member of the youth branch of the opposition Belarusian Popular Front, was detained by militia officers in Minsk for allegedly writing anti-presidential slogans on public buildings. No charges officially were brought against him, but Antonaw was detained for 5 days. Antonaw claims that militia officers beat him with truncheons and tried to coerce him to confess. The local human rights nongovernmental organization (NGO) Spring '96 confirmed Antonaw's account of the treatment he received while in detention.

Over 70 persons were detained briefly following demonstrations in Minsk and other cities on July 21 and July 27. Government security officials beat some of the detainees (see Section 1.c.).

Following the July 21 demonstration, militia officers in Minsk beat Oleg Volchek, an opposition activist and chairman of a nongovernmental commission investigating the

disappearance of former Internal Affairs Minister Yury Zakharenko. Volchek, who was treated and released that evening for the injuries he sustained, later filed an official complaint about the conduct of the militia officers with a local prosecutor's office. Charges of "malicious hooliganism" filed against Volchek for his participation in the demonstration later were dropped; however, government authorities also did not take any disciplinary action against the officers involved in the beating incident.

Pavel Znavets, deputy of the 13th Supreme Soviet, illegally disbanded by Lukashenko after a 1996 referendum (see Section 3) also was detained and beaten following the July 21 demonstration. Militia officers in Minsk reportedly also beat Alyaksey Lapitski, a member of the Frantsysk Skaryna Belarusian Language Society (BLS), whom they detained for participating in the demonstration. A subsequent medical examination confirmed Lapitski's account of physical abuse. The BLS filed an official complaint with local authorities. There were reports that no disciplinary action was taken against the officers involved in these cases.

On July 27, 21-year-old Yawhen Asinski was detained for allegedly kicking a militia officer during an opposition demonstration commemorating the anniversary of the declaration of Belarusian sovereignty from the Soviet Union (see Section 1.d.). At a news conference held by the human rights NGO Spring '96, following his release on September 6, Asinski claimed that uniformed militia and plainclothes government security officers hit him in the abdomen, kidneys, and back both before and after his arrest. According to Asinski, he was subjected to food and sleep deprivation during his first three days in detention and placed with 18 other prisoners in a cell meant for up to 10 persons. An OSCE observer who later interviewed Asinski found his claims of physical abuse to be credible. Charges of "malicious hooliganism" filed against Asinski remained pending at year's end.

On October 17, uniformed and plainclothes security forces beat demonstrators who were detained following a large antigovernment demonstration in Minsk (see Sections 1.d. and 2.b.). At least 20 of the demonstrators subsequently registered their accounts of physical abuse while in custody with the Minsk-based Independent Association for Legal Assistance to the Population. On October 19, police officers of the Sovietsky District station in Minsk beat 13th Supreme Soviet Deputy and well-known independent journalist Valery Schukin following his detention for participation in the demonstration.

On December 13, 13th Supreme Soviet Deputy Andrei Klimov, who had been held in pretrial detention on politically motivated charges since February 1998 (see Section 1.d.), was beaten severely by prison guards after he refused to attend a court hearing on his case. During the beating, Klimov suffered a concussion and other injuries. Despite the recommendation of examining doctors, Klimov was not permitted immediate hospitalization. On December 23, the Procurator General's office announced that it would not institute criminal proceedings against the officers involved in the incident since they had taken "adequate measures" with regard to Klimov.

The Ministry of Defense announced in 1996 that "dedovshchina," the practice of hazing new recruits, would no longer be tolerated. However, this practice apparently has not abated. According to official data, 48 cases of "dedovshchina" were reported during the first 8 months of the year. During 1998 73 cases were reported.

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 AIDS. Conditions at prison hospitals also 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. AMG officers who visited a detention facility in Vitebsk during June 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. During an interview with a government newspaper in February, the deputy procurator general acknowledged continued severe prison overcrowding. He stated that detention centers and corrective labor institutions house 150 percent of the authorized number of prisoners, and

noted the problem facilitated the spread of contagious diseases. On November 3, Minister of Internal Affairs Yury Sivakov publicly acknowledged that the country's total prison population remained at over 60,000 persons, and that prison conditions in the country did not meet "basic standards." A government amnesty for lesser offenders that went into effect on January 21 was intended to decrease the total prison population by approximately 8,000 inmates, but it is unclear to what extent it was implemented. Those convicted of alleged "economic crimes," for example, reportedly were granted amnesty and released from prison only 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 22, 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 currently held 2,800. He commented "here women are not serving time but are suffering, and correctional facility Number 4 is our headache."

Human rights monitors sometimes were granted access to observe prison conditions, although the Government did not honor some requests to meet with individual prisoners. OSCE AMG officers, for example, were permitted to visit former Minister of Agriculture Leonov and State Farm Director Staravoitov (see Section 1.d.) on August 13 and 24, respectively. However, an official AMG request to visit Viktor Gonchar, who was detained on March 1 for 10 days on charges related to his involvement in an opposition presidential initiative, was not granted (see Section 1.b.). The AMG was not given access to Gonchar despite an appeal by the OSCE that he be released and reports that Gonchar was on a potentially health-threatening nonliquid hunger strike (see Section 2.b.). Despite his weakened condition, government security officials released Gonchar upon completion of his sentence by dumping him from a car into a pile of snow near his home. Gonchar subsequently disappeared in September. (see Section 1.b.)

d. Arbitrary Arrest, Detention, or Exile

The Government has amended only slightly its 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. There continued to be politically motivated arrests, although most of those arrested soon were released. 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, a formal charge is made. 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 the 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. According to the Belarusian-Helsinki Committee, in late 1998 there were 64,000 persons in detention.

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 of power.

Detainees and lawyers both report restrictions on consultations. Following the arrest of opposition leader and former Prime Minister Mikhail Chigir on March 30, government authorities initially refused his request that his wife, an attorney, officially represent him.

However, this decision later was changed to allow Mrs. Chigir to act in this capacity. Chigir was released on November 30, but informed that he still faced trial on charges of negligence and abuse of power. Government authorities have disbarred or threatened to disbar a number of attorneys who have been involved in politically sensitive cases.

Although on August 10 the Ministry of Justice agreed to register the Association for Legal Assistance to the Population (ALAP), an independent organization that provides legal assistance to those who have suffered from police brutality or political persecution, it subjected the organization to a comprehensive "inspection" on October 20, shortly after a large antigovernment demonstration during which the ALAP maintained that a large number of persons were beaten by government security officials. On November 9, the Ministry of Justice suspended the ALAP's license due to such irregularities as alleged violations of the advertising law in its newspaper advertisements. On December 28, the Ministry of Justice informed the ALAP that its license to provide legal services would not be renewed. However, the ALAP maintains that a license is required only to work with business organizations, and intends to continue to try to assist private individuals.

Prominent human rights attorney Vera Stremkovskaya, who was threatened with disbarment by the Ministry of Justice and Minsk Collegium of Advocates in late 1998 for comments she made during a foreign trip that were critical of human rights violations in Belarus, was charged with slander by a local prosecutor's office on April 14. The charge stemmed from comments she made during judicial proceedings in defense of Vasilij Staravoitov, a state farm director charged with embezzlement. The procurator general's office pursued the case throughout the year and called Stremkovskaya in for official questioning on September 29. However, the charge subsequently was dropped in late December due to lack of evidence. The treatment of Stremkovskaya highlighted the lack of a truly independent bar association and political interference in the legal process (see Section 1.e.).

As in 1998, the Government again held hundreds of political detainees during the year. Most were peaceful participants in antigovernment demonstrations who were held anywhere from several hours to several days (see Section 2.b.). For example, Yawhen Skocha, a deputy chairman of the Belarusian Popular Front (BNF) youth movement, was given a 10-day "administrative" sentence on February 15 for leading an unsanctioned, but peaceful, antigovernment demonstration the previous day in Minsk, following which a total of 15 persons were detained briefly. On June 10, Skocha was given an additional 1-year suspended sentence on a charge related to the demonstration--"organization of a group action in violation of public order."

On May 1, 19 opposition activists, including the chairman of the Belarusian Social Democratic Party (BSDP), were detained briefly for attempting to participate in an official Labor Day celebratory event in Minsk. Viktor Babayed, the chairman of the Belarusian Congress of Democratic Trade Unions, also was detained briefly.

On July 21, government security officers arrested and briefly detained 53 persons who participated in an unsanctioned, but peaceful, antigovernment demonstration. On July 27, 19 persons were detained for participating in an unsanctioned, but peaceful, demonstration to commemorate Belarus's 1990 declaration of sovereignty from the Soviet Union. BSDP chairman Mikalay Statkevich was detained following the demonstration and given a 10-day prison sentence for organizing the demonstration. However, Yawhen Asinski was held until September 6 (see Section 1.c.).

On October 17, approximately 93 persons were arrested for participating in a large unsanctioned demonstration and protest march. In a series of assembly line-style court judgements, roughly 17 persons were sentenced to prison terms of up to 15 days, and 19 persons were fined. A number of opposition leaders associated with the demonstration, including Mikolai Statkevich and Lyudmila Gryaznova were arrested at their homes on the evening of October 17. A number of other opposition political figures went into hiding to escape wide-ranging roundups conducted by government security officers. Gryaznova subsequently was fined approximately \$500 (300 million rubles) while Statkevich was

released on October 31 following the intervention of the chairman of the OSCE parliamentary assembly committee on Belarus.

On October 19, 13th Supreme Soviet Deputy and United Civic Party deputy chairman Anatoliy Lebedko was arrested for his role in the October 17 demonstration. He was given a 10-day sentence even though he did not participate in the protest march that ended in clashes with security officials. Despite backing out from participating in the demonstration and protest march, opposition Youth Front member Yevtgeny Afnagel was given a 15-day sentence. While searching for his father, government security briefly detained the son of independent newspaper editor Pavel Zhuk for questioning.

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 protesters 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 Government.

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

Following demonstrations, government 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 Government held for prolonged periods in pretrial detention, some for over a year.

On March 30, opposition leader and former Prime Minister Mikhail Chigir was arrested on charges of alleged financial impropriety and exceeding his authority during his tenure as a head of a state bank several years previously. Chigir's arrest occurred 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 to cease his political activities. He remained in pretrial detention until November, although the procurator's office failed to present any substantive or specific evidence of his alleged crimes. Despite protests from the OSCE and a number of foreign governments Chagir remained in pretrial detention until November 30. Trial proceedings, which government authorities indicated would be followed through, remained pending as of year's end.

In February 1998, police arrested Andrei Klimov, a successful entrepreneur and member of the Parliament that was dissolved in late 1996, on charges of embezzlement and other financial irregularities. Klimov's supporters and some human rights observers believe that his arrest 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 beaten severely by prison guards in December (see Section 1.c.). As of year's end, Klimov remained in detention while his trial, which began on July 22, continued.

Former director of the joint-stock agribusiness (Rassvet) Vasiliy Staravoitov and former Agriculture Minister Vasily Leonov were arrested in late 1997 for allegedly embezzling state credits. Authorities denied appeals for their release on their own recognizance due to age and poor health. The trial of the 75-year-old Staravoitov, which officially began in November 1998, was delayed repeatedly due to his weak physical condition aggravated by poor prison conditions. On May 30, Staravoitov was found guilty and sentenced to forfeiture of property and 2 years (including time already served) in a labor camp.

Staravoitov was released on November 11 after completion of his sentence. Domestic human rights groups believe that both Staravoitov and Leonov were arrested to draw attention away from a poor harvest on heavily subsidized state farms. The Government is dedicated to maintaining a Soviet model of agriculture and Rassvet's demonstrated independence in implementing reforms not sanctioned by the Government apparently posed a threat to such efforts. Immediately following Staravoitov's arrest, the Government renationalized his company. The trial of Leonov, which began in Minsk on August 17, was ongoing at year's end. While in detention, Leonov has suffered two heart attacks. Leonov also initiated a hunger strike to protest the initial refusal by prison authorities to provide him with medical supplies brought by his relatives. Former National Bank chairwoman Tamara Vinnikova was arrested in January 1997 on allegations of malfeasance during her previous tenure as head of a state bank. The timing of her arrest, which coincided with her increasingly public challenges to President Lukashenko's economic policies, led observers to suspect a political motive. Due to her failing health, following 10 months in a KGB facility, Vinnikova was allowed to continue her period of pretrial detention under house arrest beginning in November 1997. While under house arrest, her visitors and incoming phone calls were monitored around-the-clock by guards from the Presidential Security Service. On April 8, Vinnikova disappeared. She was apparently able to escape from her guards and eventually make it to another country. Following her reappearance in mid-December, Vinnikova claimed in a radio news interview she went into hiding in order to escape a suspected conspiracy against her life (see Section 1.b.).

Statistics on the current number of persons in pretrial detention and the average length of pretrial detention were not available. As of August 1998, there were approximately 11,000 persons in pretrial detention.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however in practice the judiciary is not independent and largely 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 were not implemented. Without major structural reforms, the independence of the judiciary cannot be realized. The November 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 chairmen 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 passage of 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 categorically denies it, there are widespread and credible reports that "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) continues.

On February 24, Belarusian judge Yury Sushkov announced at a press conference in Germany that he had asked for political asylum from German authorities. Sushkov claimed that KGB officials forced him to sentence two Belarusian customs officers to several years in prison, despite a lack of conclusive evidence of their guilt. He stated that he could no longer, "make dishonest decisions and act against principles of juridical consciousness." On August 5, 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 (see Section 1.d.). Lukashenko stated, "I have them under control, I am not going to allow any injustice there myself." On August 30, 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."

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They are ultimately responsible to, and serve at the pleasure of, the Procurator General who, according to the Constitution, is appointed by the Council of the Republic.

In May 1997, Lukashenko issued presidential decree number 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 Government. 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.

During 1997 and 1998, the Government used the decree to strip several lawyers of their licenses, including President Lukashenko's political opponents, such as former Supreme Soviet chairman Mecheslav Gryb, and prominent defense attorneys Garry Pogonyailo and Nadezhda Dudareva. Human rights activist and defense attorney Vera Stremkovskaya was threatened with disbarment following her public criticisms of the Government while on a visit abroad in 1998. She was charged with "slander" in April for comments she made in a court while defending a client. The charge was dropped later in the year (see Section 1.d.).

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. Defendants' legal 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.

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. In criminal cases, the prosecution has the right to appeal an acquittal for retrial to a higher court on the same charge.

On July 22, according to the OSCE's AMG, the well-known lawyer, journalist, human rights activist, and 13th Supreme Soviet deputy Valeri Shchukin was detained illegally in a court building while attempting to attend the trial of Andrei Klimov (see Section 1.d.). The trial proceedings were open to the public. In front of OSCE observers and acting without any legal basis or written order, militia officers removed Shchukin from the building by force. Shchukin summarily was given a 15-day prison sentence for "petty hooliganism" by a judge who, by way of explanation to one of the OSCE officers, stated that the action was taken because Shchukin was "not normal." Shchukin subsequently was

released after serving 7 days of the sentence.

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

On February 23, political prisoner and BNF youth front member Aleksei Shidlovskiy was released from prison 2 days prior to the conclusion of one year of an 18-month sentence for "malicious hooliganism with extreme cynicism" in a hard-regime labor camp. The charges stemmed from his alleged spray painting of antipresidential slogans in August 1997. Despite his youth (Shidlovskiy turned 19 while in detention) and the nonviolent nature of the charges, Shidlovskiy was denied release pending trial. During the trial, Shidlovskiy and Vadim Labkovicyh, another teenage defendant in the case, were held in a guarded cage as if they were dangerous criminals. A representative of Human Rights Watch who observed the trial in February 1998 referred to it as an "absurd parody of criminal justice and a grotesque show trial aimed at intimidating young people from expressing their opposition to the current regime." The sentence of Labkovich, who also was held for 6 months in pretrial detention, was suspended and no further action has been taken against him. The prolonged and harsh pretrial detention, the punitive use of what apparently was a relatively minor charge, and the disproportionate nature of the sentences handed down to Shidlovskiy and Labkovich were both excessive and reminiscent of Soviet-era practices (see Section 1.c.).

Vladimir Kudinov was convicted in 1997 and sentenced to 7 years in prison and full confiscation of property for allegedly bribing a police officer. He is considered by many opposition activists and human rights observers to be a victim of political persecution. Prior to his arrest, Kudinov was an active and vocal critic of President Lukashenko. Government authorities first began to harass Kudinov in 1995 during his campaign for a seat in the Supreme Soviet. In 1996 Kudinov signed an impeachment petition against Lukashenko. His conviction and lengthy sentence appear to fit a government pattern of using charges of alleged economic related crimes to silence and intimidate critics. As part of a general presidential amnesty, Kudinov's sentence was reduced by 1 year in January.

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 widely believed to enter homes without warrants, conduct unauthorized searches, and read mail. Political, human rights, and other NGO's believe that their conversations and correspondence are monitored routinely by the security services. Some opposition figures have reported a reluctance to visit some foreign embassies due to fear of reprisal.

Nearly all opposition political figures assume that the Government monitors their activities and conversations. The Lukashenko Government did 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 government officials do not appear to be exempt from monitoring.

On February 12, militia in Gomel, claiming a bomb threat in the building, conducted an illegal search of the local office of the Belarusian Helsinki Committee, a human rights NGO. No bomb was found, but the militia officers seized 14,000 leaflets concerning the recently declared opposition presidential election initiative.

On April 26, just short of a month after his arrest on charges of alleged financial

impropriety, the office of former Prime Minister Mikhail Chigir was broken into. A computer containing data related to an opposition political campaign in which Chigir was participating was stolen, along with other equipment. Opposition activists allege that, in view of the almost certain continual government surveillance of the office, government security officials likely were behind the incident.

On May 11, government security officers in Minsk used the pretext of a bomb threat to search the offices of the Francisak Skaryna Belarusian Language Society (BLS). The involvement of the BLS in an ongoing opposition presidential election initiative suggests a political motive for the incident.

On May 14, Ministry of Interior officers searched the Minsk office of Irex/Promedia, an international organization involved in the implementation of projects to strengthen independent newspapers, without legal authorization. The local head of the organization, her daughter, and a staff member were questioned by these officers over a period of several hours. The OSCE later protested the incident with government authorities.

On September 11 and October 28, under the pretext of looking for the offices of an independent newspaper that tax inspectors were trying to shut down, police officers attempted to search the headquarters of the opposition United Civic Party in Minsk without a warrant.

The KGB, MVD, and certain border guard detachments have the right to request permission to install wiretaps, but under the law must obtain a prosecutor's permission before installation. The Presidential Guard (or security service) formed in 1995 reportedly conducted 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 June the National Assembly revised the administrative offenses code to increase the penalties for those who obstruct KGB officers. For example, a new article 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 data bases.

In early 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 number 218, issued in March 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.).

In October security forces searching for his father detained the young son of a newspaper editor (see Section 1.d.).

On November 23, President Lukashenko signed decree number 40, which allowed the Government to nationalize the property of any individual if the President determines that the individual has caused financial damage to the State.

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 Government 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 opinions. As part of an overall crackdown on opposition activity, the Government stepped up its campaign of harassment against the independent media. Although the Constitution prohibits a monopoly of mass media, the Government also continued to restrict severely the right to a free press through near-monopolies on the means of production and on national level broadcast media and by denying accreditation of journalists critical of the regime. The Government also kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as through fines and other administrative harassment. Employees at some state-run enterprises are discouraged from subscribing to independent newspapers and journals.

In 1996 President 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 number 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."

On March 2, government authorities in the Lenin region of Grodno launched an investigation of the activities of cartoonist Alexsei Surov on suspicion of insulting the honor and dignity of high-ranking government officials. The investigation was opened on the basis of a small booklet of political cartoons about President Lukashenko by Surov. Surov's workplace at the Grodno puppet theater also was searched. A local prosecutor reportedly later decided to close the case.

On October 14, police officers in Minsk detained for 5 hours a 13 year old boy, Roman Shkor, who was handing out leaflets advertising an upcoming opposition demonstration. The leaflets were confiscated.

On November 7, police officers in the town of Borisov briefly detained Alesya Yasyuk, a member of the Belarusian Social Democratic Party (BDSP), after she displayed at a public event the traditional white-red-white national flag now associated with the opposition.

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 public 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 has been arrested or charged subsequently for this offense, and the bill apparently was devised principally as a means of intimidation.

In 1997 the Council of Ministers issued a decree that prohibited and restricted the movement of 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, and there were a number of incidents in 1997-98 in which customs officials confiscated opposition materials at the country's borders.

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 Government 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.

In December 1998, new regulations went into effect restricting the distribution of legal information to specially licensed media. The regulations required the independent media that publish legal acts to apply for licenses from a commission under the Ministry of Justice; several independent informational bulletins subsequently were denied licenses.

On December 17, President 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.

Independent newspapers are widely available in Minsk, but outside of the capital most towns carry only local newspapers, only some of which are independent. On February 17, the State Committee on the Press officially warned six independent newspapers (Naviny, Narodnaya Volya, Belorusskaya Delovaya Gazeta, Imya, Zhoda, and Pahonya) that they risked closure if they continued to publish information about an opposition presidential election initiative aimed at drawing attention to the approaching end of Lukashenko's 5-year legal presidential term. Mikhail Podgainy, the head of the State Committee on the Press, announced publicly that the newspapers would be shut if they ignored the warning. On May 13, the Supreme Economic Court dismissed appeals filed by the independent newspapers that there were no grounds on which the State Committee on the Press could issue such an official warning.

On May 26, the State Committee on the Press issued its second warning to Naviny after it published an article entitled "Carbuncles of Lawfulness" for which the newspaper was accused of "inciting social discord and defaming police officers." The Supreme Economic Court upheld the warning on August 26, following an appeal by Naviny. On June 24, the State Committee on the Press issued its second warning to Imya for an article the newspaper published relating to President Lukashenko. Under the December 1997 amendments to the Law on Press and Other Media, newspapers can be banned if two warnings are issued. The Committee to Protect Journalists and Article 19, another international NGO, both sent open letters to the Government expressing concern about the possible closure of independent newspapers.

In addition to warnings from the State Committee on the Press, the judiciary and security services also were used to exert pressure on the independent media. For example on July 26, Judge Nadezhda Chmara, the presiding judge in the trial of former state farm director Staravoitov (see Section 1.d.), won a libel suit against Belorusskaya Delovaya Gazeta. Chmara claimed that the newspaper in one of its articles on the case had accused her indirectly of professional misconduct. Belorusskaya Delovaya Gazeta was ordered to print a retraction and to pay the judge an unprecedented fine of approximately \$6,550 (or 2 billion rubles at the then official rate). The ruling is currently under appeal by the newspaper. The ruling was appealed by the newspaper.

On September 24, the newspaper Naviny lost a libel suit brought against it by National Security Council Chairman Viktor Sheiman for an article that had implied that Sheiman possessed property valued beyond what his official salary could provide. Sheiman apparently was ordered to file the lawsuit during a September 16 meeting with President Lukashenko. The newspaper and one of its reporters were ordered to pay a combined fine of approximately \$30,000 (10 billion rubles at the then official rate). The unprecedented size of the fine forced Naviny, which published its last issue on September 29, into bankruptcy. Newsprint owned by the paper was confiscated by government authorities,

and its bank account was frozen. On October 26, tax officials in Minsk inventoried the personal property of Naviny editor Pavel Zhuk. On November 8, a Minsk city court upheld the libel judgement, which had been appealed by Naviny.

On September 30, the Belarusian State Committee on the Press annulled the registration certificates of nine independent newspapers and periodicals, including a successor newspaper to Naviny, on the pretext that they had not submitted documentary approval of their office addresses. The registration certificates later were renewed on November 4.

On March 2, government security officials raided the offices of the independent newspaper Pahonya in Grodno and confiscated material related to the opposition's May 16 presidential election initiative. On April 7, KGB officers detained and questioned Naviny journalist Aleh Hruzdilovich for several hours. Hruzdilovich recently had written an article entitled, "A Secret Plan Against the Opposition," based on a reportedly confidential government document outlining methods to be used to crack down on the opposition.

On July 22, militia officers and government prosecutors searched the offices of Imya, confiscated computer equipment, and briefly detained for questioning chief editor Irina Khalip. A local prosecutor's office in Minsk recently had begun an investigation into a criminal case of libel against the newspaper for an article in which it detailed infighting and high level corruption within the Government. In a letter sent to the Minister of Justice, the Paris-based human rights NGO Reporters Sans Frontieres protested the judicial harassment of Khalip.

Also in July, OSCE Freedom of Media representative Freimunt Duve issued a public statement protesting reported threats by government security officers against Belorusskaya Delovaya Gazeta chief editor Piotr Martsev, whose paper also had published a series of articles detailing government corruption and infighting. On October 4, Duve sent a letter of complaint to the Foreign Minister concerning the Government's "continued attempts to stifle freedom of expression."

On November 4, two independent journalists were barred from attending a government conference on health care issues held at Brest regional executive committee offices. However, state media representatives were permitted to cover the event. A spokesperson for the Brest regional executive committee explained that, in addition to accreditation, journalists were required to have the permission of the executive committee chairman to observe its meetings.

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.

State-controlled Belarusian television and radio (B-TR) maintains its monopoly as the only nationwide television station. Its news programs regularly featured reporting heavily biased in favor of the Government and refused to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas, and were relatively unimpeded in reporting on local news. However, some of these stations reported that they were under pressure not to report on national-level issues or were subject to censorship.

Broadcasts into the country from Russian television stations represent the only significant source of independent information from broadcast media and constitute a frequent source of irritation to the Lukashenko Government. However, to transmit their video material to Moscow, Russian stations rely on the B-TR broadcasting facility. According to Russian television crews, authorities sometimes have tried to limit access to this facility, although there were no reports of this occurring during the year.

On May 21, the government newspaper Respublika criticized Belarusian language

programs broadcast by a Polish radio station in Warsaw for negative reporting about President Lukashenko.

In March 1998, the presidential administration issued an internal directive entitled "On Strengthening Countermeasures Against Articles in the Opposition Press." The directive specifically lists 10 independent media organizations covered by these provisions, and prohibits government officials from making comments or distributing documents to non-state media. It also forbids state enterprises from advertising in non-state 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.

On January 6, Anna Shidlovskaya, a correspondent for the independent news service Belapan and newspaper Belorusskaya Delovaya Gazeta, was prevented from attending an open session of the Gomel executive committee by the head of the committee's information department. The independent Belarusian Association of Journalists (BAJ) later protested the decision to order Shidlovskaya out of a conference hall 5 minutes before the executive committee was due to meet.

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for reaccreditation 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 impact of the decree is still unclear, although it does not appear that the Government specifically invoked the decree during 1998 or this year as a tool to exclude certain journalists.

On June 20, the poet Vladimir Neklyayev, who chaired the Belarusian Writers' Union sought asylum in Poland. Neklyayev accused government authorities of disrespect for the Belarusian language, history, and culture and claimed that recent financial inspections of a magazine that he edited were motivated politically.

On August 11, the international NGO Reporters Sans Frontiers described Belarus as an enemy of the Internet. A public statement issued by the organization noted that citizens were not free to explore Internet independently. Although there are several Internet providers in the country they all are state controlled. The Government's state monopoly on Internet service offers high prices, poor quality, and limited service, and allows for the monitoring of practically all e-mail traffic. Although the Government has 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 international web sites.

The Government restricts academic freedom. A sharply critical Human Rights Watch report released in Minsk on July 27 detailed government restrictions on academic freedom. The report noted that the Lukashenko Government had suppressed research on controversial topics, recentralized academic decision making, 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 issue 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 Russian and is discouraged actively.

The Government continued to harass students engaged in antigovernment activities, such as demonstrations. Aleksey Shidlovskiy, who was released in February from a hard labor facility where he had been sentenced for spray painting antipresidential graffiti (see

Section 1.e.), was expelled from his university while in pretrial detention. Members of the pro-presidential, government-funded Belarusian Patriotic Union of Youth served as the regime's watchdog against antigovernment activities. Moreover, members of the Union reportedly received preferential treatment at state schools.

On December 21, Ales Ostrovsky, a professor at the Grodno State Medical Institute, was detained for 2 days and reprimanded by local authorities for allegedly "violating public discipline" after he attempted to speak out against the Belarus-Russia Union Treaty during a meeting of the pro-Lukashenko Belarusian Patriotic Youth Union. He also reportedly was warned by the rector of his university not to violate "labor discipline."

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 Government upon graduation. It remains unclear to what extent this decree is actually enforced. On May 30, 15 members of the youth wing of the Belarusian social democratic party staged a demonstration in Minsk against the practice, including the reported assigning of students to jobs in areas contaminated by radiation by the Chernobyl disaster.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government 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.

President Lukashenko issued decree number 5 in March 1997 in part to regulate what he termed the "orgy" of street protests taking place. The decree further limited 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 prohibited 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, imposed severe penalties on those who violate the law, particularly the organizers of events. Although the decree allows for either monetary fines or detention for up to 15 days, courts frequently impose high fines knowing 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.

In late January, an opposition coalition "congress of democratic forces" undertook to arrange for alternative presidential elections to be held from May 6 to May 16 in order to draw attention to the end of President Lukashenko's legal 5-year term in office (See section 3). In response, authorities initiated a widespread crackdown on opposition political activities throughout the country. Procurator General Oleg Bozhelko warned in a public statement on February 8 that participation in the opposition initiative could result in prosecution for attempting to "seize power unconstitutionally and destabilizing society."

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 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 forced confessions from some demonstration participants (see Sections 1.e. and 1.d.).

On April 2, 13th Supreme Soviet deputies Anatoliy Lebedko and Valery Shchukin were detained for leading an unsanctioned demonstration to protest comments by some government officials hinting at a possible redeployment of nuclear weapons into the

country. Local authorities had notified the demonstration organizers at the last moment that their march could not be held. Lebedko was held in administrative detention for 3 days and fined approximately \$150 (44 million rubles). Shchukin was given a 5-day sentence. Approximately 18 other persons also were detained after the march, including one who required hospitalization after a beating inflicted by security officers (see Section 1.c.).

On April 16, a local court fined Valeri Kostko and Dimitri Bondarenko, members of the local human rights NGO's Belarusian Helsinki Committee and Charter '97, the equivalent of about \$150 (44 million rubles) and \$160 (47 million rubles), respectively, for leading a demonstration in Minsk on February 27. Although the demonstrators had received approval to march on a public sidewalk, they were fined after being forced to use a lane in the street because the sidewalk was blocked by snow.

On April 21, a court in Grodno fined Association of Belarusian Poles chairman Tadeusz Gavin approximately \$230 (67 million rubles) for leading an unsanctioned demonstration on April 17. Local authorities twice earlier had denied the Association of Belarusian Poles permission to hold a demonstration.

On April 25, special forces militia troops in Grodno used force to break up an unsanctioned, but peaceful, opposition demonstration (see Section 1.c.).

On April 27, a court in Grodno sentenced local United Civic Party and Entrepreneurs' Association chairman Valery Levonevsky to 13 days in prison for allegedly staging an unsanctioned demonstration near the offices of the local executive committee. Levonevsky, who pleaded not guilty to the charges, claimed that he had had an appointment within the building in question and that the arrest probably was made only as a precautionary measure because of a scheduled upcoming session in Grodno of the parliamentary assembly of the Belarusian-Russian Union.

On May 1, 19 persons, including the chairman of the Belarusian Social Democratic Party, were detained in Minsk for attempting to participate in an officially sanctioned Labor Day celebration. Charges later were dropped against the participants (see Section 1.d.).

In June 1998, following numerous complaints filed by citizens and 2 days of public hearings, the Minsk city council passed a resolution that called for the Ministry of Interior to consider ways of preserving public order during demonstrations that did not violate civil rights and to increase the personal accountability of its officers. However, the effect of this resolution, if any, appears principally to have been that security forces usually try to detain individuals after demonstrations already have concluded and to do so out of sight of witnesses.

On June 15, Minsk city officials denied permission to the Belarusian Social Democratic Party and Belarusian Popular Front to hold a demonstration against war, dictatorship, and fascism, citing the deaths of 52 people in a stampede in a metro station 3 weeks earlier to justify their decision.

Over 70 persons were detained briefly following demonstrations in Minsk and other cities on July 21 and July 27. Government security officials beat some of the detainees (see Section 1.c.). BSDP chairman Mikalay Statkevich was detained and sentenced to 10 days in prison for leading the sanctioned July 27 protest on an unauthorized march route. Government authorities also subsequently opened an investigation against Statkevich for "disrupting public order," a charge that could carry up to 3 years in prison.

Four participants (Grodno medical institute lecturer Ales Ostrovsky, BNF local leader Sergei Malchik, Pahonya editor Nikolai Markevich, and businessman Nikolai Voron) in an antigovernment demonstration in Grodno on July 21 were given fines of between about \$100 (30 million rubles) and about \$400 (120 million rubles), exceptionally high in a country where the average monthly wage was then \$40 (12 million rubles). Since they

could not pay immediately, local authorities reportedly indicated that they would begin to confiscate their property. According to Ostrovsky, local authorities also told him that 20 percent of his monthly salary would be deducted until his fine was paid.

On December 8, following a small unsanctioned protest in Minsk against the signing of a union treaty between Belarus and Russia, at least six demonstrators, including Belarusian Popular Front deputy chairman Vyuacheslav Sivchik and noted poet Slavomir Adamovich, were briefly detained. Dmitry Kasperovich, a 17-year-old member of the Popular Front's youth wing lost a tooth while being taken into custody. On December 15, Sivchik was fined about \$300 (218 million rubles). Others were given lesser fines or official warnings.

In connection with a new presidential decree entitled "On Measures to Prevent Emergencies During Mass Events" promulgated in early September, President Lukashenko told high level security officers in a September 16 meeting that opposition demonstrations in Minsk should be allowed only at locations outside of the city's center. It subsequently became more difficult to obtain permission to hold public protests. Opposition party organizers were denied permission to hold a March for Freedom demonstration, which had been planned for the downtown area on October 17. When protesters decided nevertheless to march toward the center of Minsk, special forces of the Ministry of Internal Affairs blocked their way and forcibly dispersed the crowd (see Section 1.d.). The acting head of the OSCE office in Minsk noted publicly on October 18 that the refusal by Minsk city authorities to allow the March was "at the base of the conflict."

On October 22, Minsk city authorities also banned the annual Dzyzdy commemorative march held in Minsk. However, as the march route led away from the center of Minsk, government security officials did not prevent opposition supporters from going through with the march. The Constitution provides for freedom of association; however, the Government does not respect 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, and the Ministry of Justice long denied registration to the Congress of Independent Trade Unions (see Section 6.a.). The Government regularly harasses members and supporters of opposition parties, and confiscates their leaflets and publications. Government officials have warned alumni of foreign-sponsored education programs against continued affiliation with their program's sponsoring agency.

On January 26, just before a coalition of opposition parties held a large "congress of democratic forces," President Lukashenko issued decree number 2 requiring that all political parties, trade unions, and nongovernmental organizations reregister with authorities by July 1. Such public associations already had completed a lengthy reregistration process in 1995. The timing of the decree, which increased the scope of operations and number of members 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, regulations prohibiting 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.

The deadline for reregistration subsequently was extended until August 1 and again to October 1. Although most of the major political parties, unions, and NGO's that applied eventually were allowed to reregister, the process in practice often was complicated and drawn out. After the reregistration period had begun, government 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, an amendment to the law on public associations officially went into effect that prohibits political and social organizations from using the words "Belarus," "Republic of Belarus," "National," or "Popular" in their titles. The Belarusian Association of Poles was denied reregistration twice before finally getting approval. The All-

Belarusian Club of Voters was given permission to reregister in mid-November only after suing government authorities in court. As of year's end, the Association of Young Politicians, headed by well-known opposition leader Anatoliy Lebedko, the Belarusian Human Rights League, and the Belarusian Independent Association of Industrial Trade Unions had not been allowed to reregister. On December 17, President Lukashenko signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of unregistered NGO's punishable by fines. On December 27, the amendments entered into force. By the end of the year, the Ministry of Justice had reregistered 17 of 27 political parties (18 had applied), and 38 of 42 national trade unions. Of approximately 2,500 NGO's, approximately 1,316 were reregistered.

In April the Ministry of Justice blocked efforts by the Belarus Lambda League, the country's first and only lesbian and gay rights organization, to gain official registration as an NGO. The Ministry cited technical reasons, although Belarus Lambda League members claimed authorities were seeking to deny registration to a gay and lesbian organization and initiated an appeal to the Supreme Court.

Members of local human rights NGO's also were harassed for involvement in or association with the opposition presidential election initiative. Gomel branch Belarusian Helsinki Committee (BHC) head Yevgeny Murashko was detained briefly in February following his participation in a human rights seminar with opposition Central Election Commission chairman Viktor Gonchar. In late June, Murashko also was given a 2-year suspended sentence "for violating procedures of holding an assembly."

On February 16, local KGB officials in Vitebsk issued an official warning to opposition Central Election Commission Deputy Chairman Iosif Naumchik that his political activities could result in charges of conspiracy to seize state power under article 61-1 of the criminal code, punishable by 8 to 12 years in prison. Similar warnings were issued to opposition Central Election Commission members Lidiya Sazonovets and Sergei Obodovsky in February.

On February 25, government security officials raided a meeting of the opposition Central Election Commission in Minsk and arrested its 15 members. Commission chairman Viktor Gonchar subsequently was sentenced to 10 days in prison for organizing an "unsanctioned rally" (see Section 1.d.). He remained under investigation on charges of illegally claiming a public office until he disappeared in September (See section 1.b.) Other commission members were sentenced to 5 days in prison, fined between about \$40 (10 million rubles) and about \$60 (15 million rubles), or given official warnings.

On March 12, the Ministry of Justice issued a public statement calling on citizens "not to give in to provocations on the part of irresponsible politicians." Further official warnings from the KGB later were given to a number of opposition activists including Central Election Commission member Nikolai Pokhabov and BNF member Tatyana Leschinskaya.

A number of opposition election initiative workers complained that either they or their family members were threatened by intimations that they could be fired from their jobs because of their political activities. Government security officials frequently confiscated ballot forms to be used in the opposition election initiative.

On June 23 the 13th Supreme Soviet sought to hold a meeting in a Minsk Restaurant, but the members were driven out by a special-purpose police detachment that claimed that a bomb had been planted in the restaurant. The chairman, Semyon Sharetsky, told a reporter that the bomb story had been planned much earlier. The session continued on the street near the restaurant and adopted an appeal to Lukashenko for political dialog.

On July 22, following a meeting the previous day of the 13th Supreme Soviet (Supsov) in Minsk held to mark the end of Lukashenko's legal 5-year term in office, Supsov chairman Semyon Sharetsky sought temporary refuge in Lithuania due to his fear that he might be

arrested. As of year's end, Sharetsky remained in Lithuania.

The Government 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 Government restricts this right in practice. The Government enforces a 1995 Cabinet of Ministers decree that controls religious workers, in an attempt to protect orthodoxy and prevent the growth of evangelical religions. Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the Government views as "nontraditional" religions, which include Protestant faiths. A 1997 directive by the Council of Ministers prohibits teaching religion at youth camps. Further restrictive regulations governing the activities of foreign religious workers and clergy were passed by the Council of Ministers in February, although it remains unclear at year's end to what extent they were being enforced.

The Government's State Committee on Religious and National Affairs (SCRNA), which was established in January 1997, appears to categorize 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 legal registration, it is extremely difficult to rent or purchase property in order to hold religious services.

While all registered religious organizations enjoy tax-exempt status, any government subsidies appear limited principally to the Orthodox Church.

Citizens are not prohibited from proselytizing, but foreign missionaries may not engage in religious activities outside the institutions that invited them. Only religious organizations already registered in the country may invite foreign clergy. Foreign religious workers who do not register with the authorities, or who fail to get approval for religious activities--often a difficult bureaucratic process--have been expelled from the country.

The Government and the President encourage a greater role for the Orthodox Church. However, the effort has not slowed the growth of Roman Catholic and Protestant churches. Nevertheless, the Catholic Church has experienced difficulty getting permission from authorities to bring in a sufficient number of outside religious workers to make up for a shortage of native clergy. According to an independent Russian press report, President Lukashenko told Russian Orthodox Church Patriarch Aleksey II, during a visit by the Patriarch to Minsk in September 1998, that Christian values should become "the state ideology of Belarus."

During a press conference held in Minsk in late 1998, Vyacheslav Savitskiy, an official of the State Committee on Religious and Ethnic Affairs, emphasized the existence of "destructive sects" in the country. According to Savitskiy, the Government had denied registration requests of 11 such "sects." For example, the authorities consistently have denied the repeated registration attempts of the Belarus Orthodox Autocephalous Church. On November 7, Belarusian Autocephalous Orthodox Church priest Yan Spasyuk announced a hunger strike to protest the continued unwillingness of local authorities in Grodno to register his parish, as well as a recent police raid on his house while he was conducting a prayer service. On November 28, at the urging of his family and parishioners, Spasyuk called off the hunger strike.

During a religious conference held in Minsk on April 22, Belarusian Orthodox Church Patriarchal Exarch Filaret stated that the Orthodox Church does not seek the role of interconfessional leader or to become a state-run church. However, he stressed, the Orthodox Church would cooperate only with religious faiths that have "historical roots" in

the country. Filaret also remarked that he was against the "invasion of those foreign religions that corrupt souls."

The President granted the Orthodox Church special financial advantages, which other denominations do not enjoy, and has declared the preservation and development of Orthodox Christianity a "moral necessity." Bishops must receive permission from the State Committee on Religious Affairs before transferring a foreign priest to another parish.

According to the Anti-Defamation League and the World Jewish Congress, in March 1998 material from The Protocols of the Elders of Zion was included in a government-controlled religious broadcast. In spite of protests from the Jewish community, the program was rebroadcast in May and again in July. In a television interview given in Moscow in December 1998, President Lukashenko remarked that "the main anti-Semites in Russia are representatives of the Jewish population" (see Section 5.). However, government authorities in general appear to try to maintain good relations with leaders of the Jewish community. Following an arson attack on April 11, 1999 at the main synagogue in Minsk (see Section 5), police reportedly responded quickly. On April 16, the SCRNA agreed to a four-point plan with the head of the Union of Jewish Religious Organizations of Belarus to combat anti-Semitism. It remains unclear to what extent SCRNA may implement this plan. Restitution of religious property remained limited during the year. A key obstacle is the lack of a legal basis for restitution of property that was seized during the Soviet era and the Nazi occupation. The few returns of property to religious communities have been on an individual and inconsistent basis, and local government authorities in general are reluctant to cooperate on the issue without some form of compensation to replace properties that sometimes have become important public facilities. Over the past several years, the Jewish community has lobbied the Government successfully to return three synagogues in Minsk and several buildings outside the capital. In August 1998, following extensive restoration, the Catholic community reconsecrated a church in Pruzhany that had been shut down by Soviet authorities following World War II. The consecration ceremony was lead by the church's former priest who had spent 10 years in Siberia during the Soviet period.

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 Government restricts these rights in practice. All adults are issued internal passports, which serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

On June 1, 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 appears to remain restricted. On November 29, the Ministry of Internal Affairs announced a three-stage program to replace the "propiska" system in the period 2000-05; however, there were no reports of any action to implement the program at year's end.

Government 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.

Following the dissolution of the Supreme Soviet in 1996, the Government took measures aimed at limiting the travel of opposition politicians who refused to submit to the

legislature created by the November 1996 referendum. The Ministry of Foreign Affairs announced in December 1996 that those 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 January 1997 refusal by border guards to allow former Supreme Soviet Chairman Stanislav Shushkevich and parliamentary deputy Anatoliy 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.

Government authorities canceled the "global" exit visas in the regular passports of 13th Supreme Soviet deputies Pavel Znavets and Viktor Gonchar in July and August respectively, based on ongoing investigations related to their political activities (see Sections 1.d. and 2.b.). Citing pending charges against him related to his participation in antigovernment demonstrations in Minsk in July and October (see Section 1.d.), and despite an invitation from the OSCE, government authorities denied permission to Belarusian Social Democratic Party leader Mikalay Statkevich to travel with an opposition delegation to the OSCE summit held in Istanbul in November.

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. The Government does not have a law on first asylum, nor has it signed readmission agreements with any of its neighboring states.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In May 1997, the Government implemented for the first time the 1995 Law on Refugees, granting refugee status to a group of Afghans. As of October, the Government had granted official refugee status to 248 persons (including 185 from Afghanistan, 31 from Georgia, 18 from Ethiopia, and 11 from Tajikistan) many of whom have lived in the country prior to the collapse of the Soviet Union. Since its formation in early 1997 from the State Migration Service, the Committee on Migration within the Ministry of Labor has turned down 17 applications for refugee status.

On July 17, the chairman of the Migration Committee announced that there were between 100,000 and 150,000 illegal migrants in the country. As of early in the year, 2,700 potential asylum seekers had registered with the UNHCR in Belarus. Some refugees continue to report difficulty registering with local authorities, and continued delay in establishing a comprehensive asylum policy and refugee policy has made the lives of these individuals difficult. The UNHCR had no reports of any case of bona fide refugees being forced to return countries in which they feared persecution.

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

The Government severely limits the right of citizens to change their government. 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 President 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 President 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. President 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 of President 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. Human rights organizations, including the Lawyers Committee for Human Rights, the Committee to Protect Journalists, and Human Rights Watch, protested the conduct of the referendum.

The Constitutional Court formally ruled that the issues posed in President 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 Government's own official count--President Lukashenko began to implement it immediately. The new Constitution established a bicameral legislature. Its 110-member lower 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 unrepresented 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 intervention in the 1995 elections.

Despite consultative assistance provided by the OSCE's AMG, President Lukashenko's National Assembly passed in December 1998 seriously flawed legislation on local elections, which were held on April 4 and 18. A late modification to Article 33 of the law, inserted at the insistence of the President, effectively bars many opposition candidates from running in local elections by prohibiting the participation of individuals who have been fined administratively by government authorities. The OSCE issued an official statement that the provisions of the law did not provide for a free and fair election process. Consequently, the OSCE did not organize an election observation program.

On August 31, amendments to the referendum law came into force, which the OSCE declared were not in accordance with international standards. The amended law provides that referendums may be initiated by the President, the President's National Assembly, or 450,000 signatures--including a minimum of 30,000 in the city of Minsk and in each of the country's 6 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 (4500 signatures) to be faulty. It also gave the President the prerogative to decide on the validity of referendum results.

In late January, an opposition coalition "congress of democratic forces" undertook to arrange for alternative presidential elections to be held from May 6 to May 16 in order to draw attention to the end of President Lukashenko's legal 5-year term in office in July. In response, authorities initiated a widespread crackdown on opposition political activities

throughout the country. Procurator General Oleg Bozhelko warned in a public statement on February 8 that participation in the opposition initiative could result in prosecution for attempting to "seize power unconstitutionally and destabilizing society."

A number of opposition election initiative workers complained that either they or their family members were threatened by intimations that they could be fired from their jobs because of their political activities. Government security officials frequently confiscated ballot forms to be used in the opposition election initiative (see Section 2.a.).

There are no legal restrictions on women's participation in politics and government; however, with the exception of the judiciary, social barriers to women in politics are strong, and men hold virtually all leadership positions. In the acting legislature, women hold 19 of 110 seats in the lower house and 5 of 64 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

There are several domestic human rights groups active in the country; however, members of domestic human rights organizations reported that the Government hindered their attempts to investigate alleged human rights violations. The Government monitored NGO correspondence and telephone conversations. The Government 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.). The Ministry of Justice tried to restrict the Belarusian Helsinki Committee to providing support only to members of its own association and warned initially that it might otherwise not be allowed to reregister. Human rights monitors of the BHC also briefly were detained and interrogated by government security services during the year (see Section 2.b.).

The Ministry of Justice issued official warnings to the BHC during March after materials related to an ongoing opposition presidential election initiative were found in one of its regional offices. However, following an appeal by BHC, the Supreme Economic Court annulled one of the warnings on December 8. On November 25, the administrative department of the Presidential Administration, which controls either directly or indirectly a significant amount of commercial real estate in Minsk, informed the BHC that it would have to vacate its offices. However, at year's end, it appeared that the BHC would be allowed to remain at its current premises. On October 4, uniformed and plainclothes security officers, including a Deputy Minister of Internal Affairs, broke into the Minsk office of the human rights NGO Spring '96. The officers did not present a warrant while conducting a comprehensive search of the premises. Computer equipment, which included a comprehensive database of human rights violations, was confiscated. Although the equipment later was returned, when Spring '96 chairman Ales Bialatsky was summoned to a police station to pick it up on November 18 he was arrested for his participation in an antigovernment demonstration in Minsk in mid-October. A judge later dismissed the charges against Bialatsky.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the Government has been willing to discuss human rights with international NGO's whose members have been allowed to visit the country. At a press conference held in Minsk on July 15, the chairman of Human Rights Watch criticized the Government for its "regular attacks on democracy."

In February 1998, after protracted negotiations, the Government finally approved the opening in Minsk of the OSCE's Advisory and Monitoring Group office. Although government 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 OSCE Parliamentary Assembly's Belarus ad hoc committee chairman Adrian Severin, government and opposition representatives began a dialog to try resolve the country's ongoing constitutional and political crisis. However, at year's end,

the government's cooperation in this process had come to a standstill.

On August 20, a draft resolution critical of the country's human rights practices was removed from a vote at the U.N. subcommission on Human Rights Encouragement and Protection after the Government agreed to a number of measures on the adoption of human rights-related reforms. The Government took no action on implementing these reforms by year's end.

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, passed by the Parliament, 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. There are laws that prohibit spousal abuse. Knowledgeable sources 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, according to women's groups, is a general reluctance among women to report incidents of domestic violence. Violence against women was not the subject of extensive media coverage, marches, or demonstrations during the year.

Although government authorities and local human rights observers report that prostitution does not yet appear to be a significant problem within the country, there is much anecdotal evidence that it may be 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 Belarus for engaging in prostitution. However, it acknowledges that Russian criminal organizations may try actively to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East. There is evidence of trafficking in women (see Section 6.f.).

Sexual harassment is reportedly widespread, but there are not any specific laws to 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 opportunities. The state press reported in September that approximately 64 percent of those considered by the Government 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. There are active women's groups, most of which focus on issues such as child welfare, environmental concerns (in the aftermath of Chernobyl), and the preservation of the family. A private university in Minsk established the country's first gender studies faculty

during 1997.

Children

The Government is 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, tries 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 Government makes 11 years of education available at no cost and began in 1998 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. According to one World Bank study, the majority of those living in poverty are families with multiple children or single mothers.

The Government continued to discourage the promotion of, or the teaching of students in, the Belarusian language by limiting the available of early childhood education in Belarusian. According to one study by the Francisak Skaryna Belarusian language society, the share of first graders studying in Belarusian-language classes shrank from 75.3 percent in 1993-94, prior to the Lukashenko presidency, to 28.7 percent in 1997-98. In the capital city of Minsk, the share reportedly decreased from 58.6 to 4.8 percent. Only 11.2 percent of secondary students in Minsk currently are taught in Belarusian. Government authorities 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 mandated 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 Government continues to provide some minimal subsidies to the disabled. However, continued high inflation and sharp decline in the value of the Belarusian ruble greatly reduced the real worth of those limited subsidies.

Religious Minorities

Societal anti-Semitism exists but usually is not manifested openly. Senior government officials, including the President and the state media, sometimes have used coded anti-Semitic language in their attacks on perceived opponents. In a television interview given in Moscow in December 1998, in which he sought to criticize Russian financier and Executive Secretary of the Commonwealth of Independent States Boris Berezovskiy, President Lukashenko stated that Berezovskiy's activities, "might result in Jewish pogroms in Russia." Lukashenko also remarked that "the main anti-Semites in Russia are representatives of the Jewish population."

In April there was an arson attempt on a synagogue in Minsk, during which the door to the structure sustained minor damage, and the graffiti, "Kill Yids, save Russia," was spraypainted on a wall. However, police reportedly responded quickly. In reaction to the incident, the State Committee on Religious and National Affairs agreed with the head of the Union of Jewish Religious Organizations to a four-point plan to combat anti-Semitism. It remained unclear at year's end to what extent the Government would implement this plan. According to the Anti-Defamation League and the World Jewish Congress, in March 1998 government-controlled radio broadcast material from the Protocols of the Elders of Zion on a religious program. In spite of protests from the Jewish community, the program was rebroadcast in May and again in July. Following a written complaint from the Belarusian Helsinki Committee, the chairman of the State Committee

on the Press noted publicly on May 4 that local newspapers that publish anti-Semitic material would be given official warnings. In June an official warning was given to Lichnost, one such local newspaper. Under the December 1997 amendments to the Law on Press and Other Media, newspapers can be banned if two warnings are issued (see Section 2.a.). According to the Anti-Defamation League and World Jewish Congress, a number of newspapers regularly print anti-Semitic material.

On October 15, the Belarusian Judaic Religious Association (JRA) spoke out publicly against an anti-Semitic article that appeared in the newspaper Slavyanski Nabat, written by National Assembly deputies Valery Drako and Sergei Kostyan. Drako and Kostyan asserted in their article that many Jews held high rank in the Nazi Wehrmacht and equated Zionism with fascism. A number of Jewish cemeteries and sites have been desecrated in recent years. In February a cemetery was desecrated in Rechitsa, which had also been vandalized in 1997. Cemeteries were desecrated in Borisov and Orsha in April 1998, and in Gomel and Berezino in July 1998. In August 1998, a memorial to Holocaust victims in Brest was desecrated. A 15-year-old skinhead was caught in connection with the Brest desecration. Local officials reportedly have failed to come up with any leads in the other cases. In September the head of a local Jewish organization in Brest issued a statement complaining about continued incidents of anti-Semitic graffiti appearing in the city, and what he claimed to be the apparent indifference of local authorities. As of year's end, there were no reports of action by the authorities.

Many members of the Jewish community remain concerned that the Lukashenko Government's 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 branch in Belarus, and its literature is distributed in public places in Minsk. On February 5, members of this organization severely beat Charter '97 human rights activist Andrei Sannikov when he objected to their distribution of leaflets on a public square in downtown Minsk. A criminal case against Sannikov's assailants was later suspended on the grounds of lack of evidence.

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, 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.

Section 6 Worker 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 is still 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 issued a decree suspending its activities. In 1996 the BFTU leaders formed a new umbrella organization, the Congress of Democratic Trade Unions (BCDTU), which encompasses four leading independent unions and is reported to have approximately 15,000 members.

On December 9, a branch of the independent Free Union of Metal Workers (FUMW) was evicted from its offices at the Minsk Automobile Factory. On December 16, six independent union representatives, including FUMW activist Dmitry Plis, were arrested at the Minsk Automobile Factory for picketing its entrance. Some later were found guilty of holding an unsanctioned rally and fined. The Government has taken measures to suppress independent trade unions. For example, members of independent trade unions have been arrested for distributing union literature, had material confiscated at the borders,

have been denied access to work sites, have been subjected to excessive fines, and have been pressured by their managers and state security services to resign from their jobs because of trade union activities. Despite the repeal by the Government of its illegal ban on the BFTU, as well as the Ministry of Justice's reregistration of the BFTU and BCDTU (following a Presidential decree issued in January requiring that all public organizations, including unions, reregister), government authorities have continued to threaten and harass independent union members.

For example, according to the BFTU, Georgy Mukhin was fired by the Minsk Tractor Works in early March as a result of his activism on behalf of the FTUMW. Sergei Antonchik, a union organizer affiliated with the BFTU who heads the National Strike Committee, was detained briefly on March 6 for organizing an unsanctioned demonstration in the city of Orsha. He subsequently was fined by a local court. Antonchik's Minsk office also was raided by government security officials who confiscated antigovernment bulletins.

In October the Ministry of Justice turned down the application of the Belarusian Independent Association of Industrial Trade Unions (BIAITU), which represents approximately 340,000 workers and is composed of 3 large official unions that have been critical of the Government's economic policies, to reregister as a legal organization. The decision apparently was based on a finding that the BIAITU's charter was inconsistent with its status as an umbrella organization of different unions. In early November, Minsk city authorities refused a request submitted by BIAITU leaders for permission to hold a public demonstration to protest the Ministry of Justice's decision.

The Government continues to discourage employees at state-run enterprises from joining independent trade unions. Lukashenko signed a new restrictive Presidential decree (number 29) to "tighten labor discipline" July 26. 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 4.4 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 are becoming increasingly vocal in their criticism of the policies of the Lukashenko regime. In retaliation, some FTUB officials claim they have been subjected to threats and harassment from the Government. In late January the BFTU and FTUB-affiliated automobile and agricultural equipment manufacturing union held a joint demonstration in Minsk to protest falling living standards.

On September 30, the FTUB held a demonstration in Minsk, also supported by independent unions, to protest presidential decree number 29. However, Minsk city officials allowed the protest rally to take place only in a location away from the city center. Prior to the demonstration, President Lukashenko ridiculed the leaders, accusing them of manipulating popular hardship for political advantage, and warning them that persons who did not adhere to the Government's restrictions in the demonstration would "get it in full."

Although sometimes willing to try to cooperate with official union leaders to achieve mutual objectives, such as on September 30 and during a joint demonstration held in late January, independent labor union leaders remain skeptical that most FTUB representatives are prepared to promote effectively workers' rights. Independent labor leaders also maintain that the official trade unions' continued control over social welfare functions usually performed by the State (such as pension funds) is an obstacle to the growth of true, independent trade unions. On December 17, approximately 100 members of the free trade union picketed the Zenit factory in Mogilyov to protest the fact that state managers would

allow only representatives of an official union to maintain an office at the plant.

Tight control by the Government over public demonstrations (see Sections 1.d. and 2.b.) makes it difficult for unions to strike or hold public rallies to further their objectives. Although union members undertook work stoppages, usually in response to late payment of wages, precise data on the number of strikes that took place is unavailable.

Unions may affiliate freely with international bodies.

b. The Right to Organize and Bargain Collectively

Legislation dating from the Soviet era provides for the right to organize and bargain collectively. However, according to a poll conducted by the Ministry of Labor's Labor Research Institute in January 1998, although most industrial workers believe that the terms of their employment were governed by collective bargaining agreements, only 17 percent of the workers polled thought that collective bargaining agreements were executed as stipulated. Some analysts believe that the new 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 is still largely in the hands of the State, unions usually seek political redress for their economic problems. Workers and independent unions have recourse to the court system.

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. 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, however, forced and bonded labor by children is not known to occur.

d. Status 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 (see Section 6.c.).

e. Acceptable Conditions of Work

During 1998 average monthly real wages declined significantly from about \$88 to about \$30 a month. The minimum wage does not provide a decent standard of living for a worker and family. Agriculture workers are paid approximately 39 percent less than the average monthly wages. The country's continuing economic problems make it difficult for the average worker to earn a decent living. At year's end, major wage arrearages remained, 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 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 lack of protective clothing, shoes, and equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job. Official data indicate that 130 workers died in industrial accidents during the first 6 months of 1999, half of which were due to drinking on the job. According to the Ministry of Labor, 294 persons died and 1300 were injured in workplace accidents during 1998. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

Trafficking in Persons

There is no specific law against trafficking, although it is possible in theory that existing laws would be sufficient to prosecute traffickers. There were no reports of government efforts to prosecute traffickers.

A 1999 OSCE report, while acknowledging that reliable data are impossible to obtain, describes Belarus as a source country for women 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.

There is much anecdotal evidence that young women are being trafficked by the Russian mafia, and end up in Cyprus, Greece, Israel, and Western Europe working as prostitutes. The Ministry of the Interior acknowledges that Russian criminal organizations may try actively to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East.

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