

Belarus (Hviderusland) (88)

U.S. Department of State

Belarus Country Report on Human Rights Practices for 1998

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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 as the country's first President, Aleksandr Lukashenko has consolidated power steadily in the executive branch through authoritarian means. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. 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 or the legislature. 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. 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. While government officials cite continued claimed growth in gross domestic product (GDP) of approximately 7 percent during the year as justification for their policies, most independent analysts agree that what growth that has occurred, if any, was the result principally of massive credits to the debt-ridden state sector. Increased governmental controls on currency convertibility in the wake of significant declines in the value of the ruble during the year (which decreased more than tenfold) resulted in a critical shortage of foreign currency reserves and stifled the export sector. Per capita GDP officially remained constant during the year 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. Calculated at a market rate, the average monthly wage dropped 170 percent from \$88 to \$33 over the course of the

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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 again worsened significantly as the President sought to neutralize domestic opposition to his attempts to lead the country back toward Soviet-era authoritarian practices. The Government severely limits the right of citizens to change their government. Security forces continued to beat detainees and prisoners, and were implicated in the beating of political opponents, including minors and independent journalists. The practice of severe hazing in military units apparently continued to abate somewhat, and 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 occurred in a number of politically sensitive cases. There was at least one political prisoner. Prolonged detention and delays in trials were common. 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 imposed some limits on freedom of religion, and restricted freedom of movement. International human rights monitors were closely monitored and were harassed frequently by government security agents. Discrimination and domestic violence 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

There were no reports of politically motivated disappearances.

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 reportedly beat detainees and prisoners, although political activists who were arrested in the second half of the year report that in general police and prison guards treated them without physical violence. 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 using physical and psychological pressure. Although such behavior is against the law, the Government seldom, if ever, punishes those who commit such abuses. Guards used force against detainees to coerce confessions as well as during routine activities. Police also beat demonstrators (see Section 2.b.).

On February 24, police officials reportedly beat and choked 52-year-old Vladimir Yukho, a member of the opposition Belarusian Popular Front (BNF), who was detained during the trial of BNF-affiliated Youth Front members Aleksey Shidlovskiy and Vadim Labkovich (see Sections 1.d. and 1.e.). Yukho's hand was smashed in the door of a police car during his arrest. A researcher from the nongovernmental organization (NGO) Human Rights Watch later documented the bruises on Yukho's neck and the injury to his hand. Government authorities subsequently fined Yukho for participating in an unauthorized demonstration and resisting arrest.

On February 24, following a 6-month period of pretrial detention, Aleksey Shidlovskiy, who reached the age of 19 while in detention, was sentenced to 2 years in a strict-regime prison for spray painting antipresidential graffiti (see Sections 1.d. and 1.e.). According to Shidlovskiy's family, prison guards repeatedly beat Shidlovskiy and denied him medical treatment.

On April 2, according to credible information from human rights groups, police and security officials beat a number of opposition supporters whom they detained following an unsanctioned political protest against the Russia-Belarus union charter (see Section 2.b.). While in police custody for the same incident, 15-year-old Dmitriy Vaskovich was kicked, beaten, and denied food, according to the Belarusian Helsinki Committee, a local human rights NGO. The State Procurator's office later rejected the complaint of illegal abuse filed by Vaskovich's mother following the boy's release after several days in detention. In April 17-year-old Stefan Kulchanko was punched in the face and choked following his detention by plainclothes security officials. A human rights monitor interviewed Kulchanko on April 6, following Kulchanko's release from detention, and observed a clearly visible black eye that Kulchanko received while being arrested. On May 27, the Marina-Gorka Executive Committee District Commission for Juveniles gave Kulchanko an official warning and reprimand. In April BNF Executive Secretary Vyacheslav Sivchik suffered a severe concussion from a beating he received by plainclothes security officials who detained him. Although sentenced to 10 days' imprisonment for participating in an unsanctioned demonstration, Sivchik was released following his discharge from the hospital on April 6. Police also detained and beat Youth Front leader Pavel Severinets (see Section 1.d.). He was held in pretrial detention until June 3 on charges of "malicious hooliganism." Criminal proceedings against Severinets subsequently were dropped on December 4.

On April 25, according to the Belarusian Helsinki Committee, police detained and beat a number of persons who were taken into detention following their participation in a peaceful march to commemorate the Chernobyl nuclear catastrophe (see Section 2.b.). Some detainees later claimed that they were forced to sign false statements.

Following a Ministry of Defense announcement in 1996 that "dedovshchina," the practice of hazing new recruits, would be tolerated no longer, this practice of severe harassment and physical abuse of new draftees by senior soldiers to maintain strict discipline apparently continued to abate somewhat. Local human rights groups did not report the problem to be extensive during the year.

Prison conditions are poor, and are marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis and syphilis. 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. Vadzim Kabanchuk, an opposition activist released in March, after being held for 6

months in a detention center in Minsk, complained that he had been forced to share a cell designed for 14 people with 32 other prisoners.

During an official press conference on August 11, the Deputy Procurator General acknowledged severe prison overcrowding. He stated that most prisons were designed and built during the Soviet era, and that construction of new facilities is unlikely because of the Government's financial difficulties. According to NGO sources, approximately 64,000 persons are held in prisons or places of detention in facilities that, according to official data, were designed to hold only up to 41,000 persons.

Human rights monitors sometimes were granted access to observe prison conditions, although the Government did not honor some requests to meet with individual prisoners. Late in the year, officers from the Minsk Advisory and Monitoring Group of the Organization for Security and Cooperation in Europe (OSCE) were permitted to visit a number of individuals held in prison and detention facilities on what are believed to be politically motivated charges and convictions.

d. Arbitrary Arrest, Detention, or Exile

The Government has amended only slightly its Soviet-era law on detention. 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 continue 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. Government authorities also disbarred or threatened to disbar a number of attorneys who had been involved in politically sensitive cases. On April 15, the Government barred Garry Pogonyailo, who had defended persons in several high-profile political cases, from officially consulting with or representing Youth Front Leader Pavel Severinets (see Section 1.c.). On June 2, the Ministry of Justice stripped Pogonyailo of his license to prac-

tice (see Section 1.e.). The Ministry of Justice and the Minsk Collegium of Advocates repeatedly threatened defense attorney Vera Stremkovskaya with disbarment following a trip abroad in September, during which she criticized human rights violations in Belarus at a talk sponsored by the NGO International League for Human Rights. According to Stremkovskaya, Supreme Court Justice Valentin Sukalo warned her on November 26 that she would have to make a choice between human rights work and practicing law if she wished to keep her license. The treatment of Stremkovskaya underlines the lack of a truly independent bar association and political interference in the legal process (see Section 1.e.).

As in 1997, 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 6.a). For example on December 25, government security officers arrested approximately 10 persons, including journalists, at an unsanctioned demonstration against closer integration with Russia. On December 28, four of those detained each were sentenced to 5 days in prison, two were fined, and one was given an official warning (see Sections 2.a. and 2.b.). Unidentified, nonuniformed officials working for the security services regularly apprehended participants in antigovernment demonstrations (see Section 2.b.). There are credible reports that plainclothes security officials infiltrated the antigovernment demonstrations and provoked incidents that led to clashes between demonstrators and police. Security forces on occasion preemptively apprehended organizers and individuals considered to be potential participants prior to demonstrations, including those that had been sanctioned by the Government.

Following demonstrations, security officials held many detainees incommunicado. According to one official announcement, as of August, there were approximately 11,000 persons in pretrial detention. Statistics on average length of pretrial detention were not available.

In addition to the hundreds of antigovernment protesters, 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. For example, prior to his trial in January on the politically motivated charge of illegally crossing the Belarusian border with Lithuania (see Section 1.e.), journalist Pavel Sheremet was held in a KGB facility for 3 months. His cameraman, Dmitriy Zavadsky, was released after 3 weeks of detention following an appeal to President Lukashenko, which Zavadsky later claimed that he was forced to write under duress. Both were Belarusian citizens who were working for the Russian television network ORT and whose reporting was critical of the Government.

In August 1997, BNF Youth Front branch members Aleksey Shidlovskiy and Vadim Labkovich were arrested for spray painting antipresidential slogans. Prior to their trial in February, the two were held in pretrial detention for 6 months (see Sections 1.c. and 1.e.). Despite the non-violent nature of the alleged crime, both were denied release pending trial. They were notified by authorities of the formal charges against them only in February, just a few weeks before the trial. Prison guards reportedly beat Shidlovskiy, who reached 19 years of age while in detention (see Section 1.c.). Labkovich, although at age 16 still considered a juvenile under the law, was permitted only a few, limited visits by his family during his time in detention.

Opposition-affiliated Youth Front leader Pavel Severinets, who was arrested for participating in a demonstration on April 2 (see Section 1.c.), was held in pretrial detention until June when he was released on his own recognizance.

On September 2, police arrested regional BNF leader Vladimir Pleshchenko in Vitebsk in the northeast on charges that he allegedly vandalized a statue of 18th century Russian general Aleksandr Suvorov. He remained in pretrial detention at the end of the year.

A number of former government officials and political figures also have been subjected to prolonged periods of pretrial detention for what may appear to be at least partially politically motivated charges. On February 11, police arrested Andrey 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. As of year's end, Klimov remained in pretrial detention. In early December, the authorities announced that the investigation into charges against him was extended until February 11, 1999.

Former agriculture minister Vasilii Leonov and former director of the joint-stock agribusiness Rassvet Vasilii Starovoitov were arrested in October 1997 for allegedly embezzling state credits, and at year's end also remained in detention. Despite appeals to do so, neither was released on their own recognizance due to age and poor health. Although it began officially on November 30, the trial of the 74-year-old Starovoitov, who suffered a stroke while in detention and has chronic bronchitis, was delayed repeatedly due to Starovoitov's deteriorating physical condition, which was aggravated by poor prison conditions.

Local human rights observers believe that the two men 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 apparently posed a threat to such efforts. Immediately following Starovoitov's arrest, the Government renationalized his company.

Former National Bank chairwoman Tamara Vinnikova, who was arrested in early 1997 on allegations of malfeasance during her previous tenure as head of a state bank, remained under house arrest during the year. The timing of her arrest, which coincided with her increasingly public challenges to President Lukashenko's economic policies, suggested a political motivation. It is widely believed that the Presidential Administration already was aware of the alleged illegal acts at the time of her appointment as National Bank chairwoman. Prior to her transfer to house arrest in late 1997, to enable her to seek medical treatment for life threatening illnesses, Vinnikova was held in pretrial detention in a KGB prison for 10 months.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the judiciary is not independent and is largely unable to act as a check on the executive branch and its agents. The Supreme

Council passed legislation to support the independence of the judiciary in 1995, but these reforms 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. A 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 reports that "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) continues.

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, President 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. In 1997 the Government used the decree to strip several lawyers of their licenses, including President Lukashenko's political opponents (such as former chairman of the Supreme Soviet Mecheslav Gryb). The Government continued to use the decree during the year, and the Ministry of Justice revoked the licenses of prominent defense attorneys Garry Pogonyailo (see Section 1.d.) and Nadezhda Dudareva. Human rights activist and defense attorney Vera Stremkovskaya also was threatened with disbarment following her public criticisms of the Government while on a visit abroad (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 respected always in practice. Defendants' legal right to be represented by counsel also is

not respected always 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 a retrial to a higher court on the same charge.

On January 28, ORT correspondent Pavel Sheremet, previously criticized by government authorities for "biased" reporting, and cameraman Dmitriy Zavadskiy were found guilty of illegally crossing the Belarusian-Lithuanian border in July 1997 (see Sections 1.d. and 2.a.). The presiding judge sentenced Sheremet to 2 years in prison and Zavadsky to 18 months. Although both sentences were suspended contingent on good behavior, the trial of Sheremet and Zavadsky clearly was a politically motivated prosecution of an action--alleged illegal border crossing--that government authorities themselves admit takes place frequently.

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

As of year's end, there was at least one political prisoner. On February 24, a Minsk court sentenced Aleksei Shidlovskiy and Vadim Labkovich (see Sections 1.c. and 1.d.) to 2 years in a hard-regime prison labor camp for "malicious hooliganism with extreme cynicism." Labkovich's sentence later was suspended. Shidlovskiy and Labkovich, members of the opposition-affiliated Youth Front, were arrested in August 1997 for their alleged part in spray painting antipresidential slogans, defacing Soviet-era monuments, and replacing the official green and red Belarusian flag with the former national flag currently associated with the opposition. Despite the defendants' youth, the nonviolent nature of the charges, and the fact that neither had a prior criminal record, both were denied release pending trial.

During the trial, Shidlovskiy and Labkovich were held in a guarded cage as if they were dangerous criminals. A representative of Human Rights Watch later referred to the trial 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 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.

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 also is viewed by many opposition activists and human rights observers as 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.

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 of correspondence, telephone, and other communications. The inviolability of the home is also 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."

However, 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. Opposition figures have reported a reluctance to visit some foreign embassies due to fear of reprisal.

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.

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.

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.).

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, but the Government restricts these rights in practice. The executive branch continued its suppression of freedom of speech through a decree limiting citizens' rights to express their opinions. The Government also continued its campaign against the independent media by adopting new restrictive amendments to the law on press and other mass media, and by placing a ban on the dissemination of official information to 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 to journalists critical of the regime. The Government also kept up economic

pressure on the independent media by pressuring advertisers to withdraw advertisements and by evicting newspapers from their offices. Employees at 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 level government council. Another decree granted the Ministry of Press 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 five, issued in March 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 officially registered 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."

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. On June 4, 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, no one was arrested or charged during the year under the new law.

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. The decree targets, among others, some opposition-affiliated bulletins published outside of the country. On May 2, customs officials confiscated at the Belarus-Ukraine border 900 copies of Belarusian News from leaders of the opposition Belarusian Popular Front. On August 10, authorities on the Belarus-Ukraine border detained for 8 hours two Czech nationals and confiscated film and written materials that they believed were intended to "discredit the public and political system in Belarus." On October 19, customs officials confiscated approximately 1,800 copies of Belarusian News from antigovernment activists at the Belarus-Ukraine border.

The Belarusian Patriotic Union of Youth, a government-subsidized presidential youth organization, was permitted to take control of Radio 101.2. Radio 101.2 had been the sole Belarusian language independent station in the country until government authorities shut it down during 1996.

Independent newspapers are widely available in Minsk, but outside of the capital most towns carry only local newspapers, only some of which are independent. In November 1997, the State Committee on the Press issued two warnings to the largest independent newspaper, Svaboda, alleging that two of its recent articles violated the Law on the Press by trying to incite social unrest. Svaboda subsequently was closed following a ruling by the Supreme Economic Court. On January 23, government authorities issued a warning to Naviny, a new newspaper founded by former Svaboda staffers, for reprinting the Svaboda logo on its front page.

On May 29, the State Committee on the Press officially warned *Nasha Niva*, an independent newspaper published in Belarusian, to stop using traditional Belarusian orthography in favor of spelling reforms first introduced under Joseph Stalin in 1933. In an attempt to forestall what appeared to be the beginning of a government campaign to shut down the newspaper, *Nasha Niva* filed a lawsuit against the State Committee on the Press. Under the amendments to the Law on Press and Other Media of December 1997, *Nasha Niva* could be banned if two more warnings are issued. On August 14, the Supreme Economic Court called for the creation of a special philological commission to examine the issue further. In December after the philological commission completed its investigation, the Supreme Economic Court annulled the warning given to *Nasha Niva*.

On June 1, the State Committee on the Press issued an official warning to the Minsk-based independent newspaper *Zdravy Smysl* for providing "distorted information." The warning followed an article in *Zdravy Smysl* that reported that the New York-based Committee to Protect Journalists had included President Lukashenko on their list of the world's ten worst "enemies of the press." In July local authorities in the town of Dyatlovo attempted to pressure the editors of the opposition-affiliated *Nasha Prawda* to close down following the newspaper's publication of an article by Zyanon Paznyak, the exiled leader of the Belarusian Popular Front. In August, two editors of *Nasha Prawda* were questioned by the local police and fined.

On December 2, new regulations went into effect that restrict 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, including *Femida* and *Beloruski Rynok*, were denied licenses.

State-controlled Belarusian television and radio (B-TR) maintains its monopoly as the only nationwide television station. Its news programs regularly featured reporting 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 limited access to this facility.

On January 28, in a politically-motivated case, ORT correspondent Pavel Sheremet and cameraman Dmitriy Zavadskiy (both Belarusian citizens) were found guilty of illegally crossing the Belarusian-Lithuanian border in mid-1997 (see Sections 1.d. and 1.e.). The two were given suspended sentences of 2 years in prison. Earlier in 1997, the authorities already had stripped Sheremet of his accreditation as a journalist because his reports contained "intentional distortions of information about events in the Republic of Belarus." On March 13, then-Foreign Minister Antanovich accused Russian journalists of "misinformation, fabrications, and libel" against President Lukashenko. Citing the January convictions, authorities denied Sheremet permission to travel abroad to receive an international press freedom award in November from the Committee to Protect Journalists.

On December 25, government security officers arrested approximately 10 persons, including journalists, at an unsanctioned demonstration against closer integration with Russia. On December 28, four of those detained were sentenced to 5 days in prison each, two were fined, and one was given an official warning (see Sections 1.d. and 2.b.).

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 were also 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 the year as a tool to exclude certain journalists.

In January 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.

On March 17, the presidential administration issued an internal directive entitled "On Strengthening Countermeasures against Articles in the Opposition Press." Specifically listing 10 independent media organizations covered by these provisions, the directive prohibits government officials from making comments or distributing documents to non-state media and 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.

In an open letter to the authorities and representatives of the OSCE in early April, the Belarusian Association of Journalists protested the new directive, referring to it as "anticonstitutional, antidemocratic, and discriminatory." On April 14, Narodnaya Volya reported that the Ministry of Emergency Situations refused to provide it with information about Chernobyl cleanup workers because the newspaper is not state-owned. In an attempt to limit independent journalists' access to information, authorities also reportedly denied accreditation to them at a number of events, including the Eighth Session of the Belarusian-Russian Union Parliamentary Assembly held in May and a state visit to Minsk in June by then-Russian Prime Minister Sergey Kiryienko.

The Government's observance of academic freedom is mixed. University students and academics are free to pursue virtually any course of study or research.

Throughout the year, the Government continued to harass students engaged in antigovernment activities, like demonstrations. Aleksey Shidlovskiy, who was sentenced in February to 2 years in a hard labor facility for allegedly spray painting antipresidential graffiti (see Sections 1.c., 1.d., and 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 anti-government activities. Moreover, there are reports that members of the Union received preferential treatment at state schools.

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. There were no reports that the Government used this decree to punish students engaged in antigovernment activities during the year.

The Government continued to close schools that teach in the Belarusian language. According to the Belarusian League for Human Rights, the number of schools that teach in Belarusian has dropped by half since 1991. Government authorities, on the other hand, claimed that only schools that experienced diminishing enrollment have been closed. However, the opposition-affiliated Belarusian Language Society noted that the decline in the percentage of first graders taught in Belarusian--from 76 percent to 28 percent between 1993 and 1998--was evidence of a government policy to promote education in Russian. In July, the Ministry of Education replaced Vladimir Kolas, the director of the Belarusian Humanities Lyceum (the only Belarusian-language high school in Minsk) with a Ministry-appointed educator. The move prompted protests by students and parents who believed the decision was part of a government campaign aimed at ultimately shutting down the school. However, Kolas was permitted to remain at the Lyceum in the capacity of deputy director.

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.

In March 1997, President Lukashenko issued decree number five 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 threatened to confiscate their property. The courts punished organizers of rallies with fines of \$800 to \$1,000, which are exceptionally high in a country where the average monthly wage is under \$100. Although assessments were made, there were no known instances of property actually being confiscated as of year's end.

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 were less frequent in other parts of the country, particularly in the east, close to the border with Russia. In contrast to prior practices, the authorities in Minsk generally did not deploy riot police in a blocking pattern across the planned routes of demonstration marchers. This helped to reduce tensions and resulted in fewer clashes during demonstrations. However, following some sanctioned and unsanctioned demonstrations, police and other security officials continued to round

up, beat, detain, and coerce forced confessions out of some demonstration participants (See Section 1.d.).

On June 17, 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. The City Council also called on the State Procurator's office to investigate allegations of abuses that took place during the year. At year's end, the effect of this resolution on the behavior of executive branch-controlled security forces remained unclear.

During the February trial of Aleksey Shidlovskiy and Vadim Labkovich (see Section 1.e.), police detained a number of persons who had been denied access to the courthouse and were forced to wait outside while the hearings proceeded. On February 23, police arrested three 16-year-old members of the opposition-affiliated Youth Front and a human rights monitor from the Belarusian Helsinki Committee for holding an "unsanctioned demonstration." Also in February, several members of the Youth Front were detained briefly by police in Minsk for posting announcements about a demonstration already sanctioned by governmental authorities.

On March 15, following a small and peaceful demonstration march in Minsk in commemoration of the anniversary of the adoption of the 1994 Constitution, police briefly detained Social Democratic chairman Nikolai Statkevich for allegedly stepping into a lane not authorized for marching. All charges were dropped against Statkevich by court order, 5 days after his arrest. On March 22, following an opposition-organized protest march, which had proceeded peacefully with the permission of governmental authorities, riot police and plainclothes security officials rounded up march participants and journalists in various locations around Minsk. Three observers from the Belarusian Helsinki Committee also were briefly detained.

On March 30, city authorities denied permission to the opposition (BNF) and Belarusian Social Democratic Party to hold a rally in downtown Minsk on April 2 against the Belarus Union Charter with Russia. Permission was denied on the grounds that such a rally would interfere with government festivities planned for the same day. Minsk city authorities decided instead that the opposition rally could be held outside the city 3 days after government-sponsored festivities. When Youth Front members nevertheless staged a small protest on April 2 during the government-sponsored event, police and plainclothes security officials reportedly arrested and beat a number of them (see Section 1.c.).

On April 25, at least 5,000 persons took part in a government-approved march and rally in Minsk to mark the 12th anniversary of the Chernobyl nuclear catastrophe. The march and rally themselves passed peacefully without incident. However, following the event, police and plainclothes security officials detained over 30 Belarusian participants--including minors--according to credible reports from local human rights groups. Some of those detained claimed that they were beaten and forced to sign false statements (see Section 1.c.). Government authorities also detained between 15 and 25 Russians (mainly members of the Moscow-based antifascist Youth Action Organization) who had participated in the event. The Russians subsequently were deported from the country.

On May 1, according to the Belarusian Helsinki Committee, plainclothes security officers detained and beat 15 members of the Belarusian Social Democratic Party who had participated in a demon-

stration. On May 5, plainclothes security officers detained participants in a government-sanctioned demonstration, including two observers from the Belarusian Helsinki Committee.

On July 28, Anatoliy Fyodorov, the leader of the Mogilev regional chapter of the opposition Belarusian Popular Front was fined heavily for organizing an unauthorized demonstration on July 15. The demonstration was held to protest the Government's expulsion, in violation of the Vienna Diplomatic Convention, of foreign ambassadors from their official residences located near the presidential compound in Drozdy outside of Minsk. Fyodorov later commented that it is virtually impossible to get approval from local officials in Mogilev to hold opposition rallies or demonstrations.

On August 30, a Minsk court fined Valeriy Shchukin, a member of the Charter 97 human rights organization and the 13th Supreme Soviet, for holding a demonstration during the official national day celebrations on July 3.

On November 5, following a decision to divert a protest march from a government preapproved demonstration site to presidential administration offices in Minsk, security officers briefly detained at least 15 independent labor activists. Those arrested either were released with warnings, fined, or sentenced to minor (between 6 and 15 days) prison terms (see Section 6.b.).

In an attempt to prevent antigovernment demonstrations near the presidential administrative office building, the Minsk City Executive Committee issued in early December a directive banning mass meetings in October Square located in downtown Minsk. Although the decree did not go into effect until December 8, opposition figures and human rights activists were denied permission to hold a rally on December 6 in commemoration of the 50th Anniversary of the Universal Declaration of Human

Rights. When they attempted to proceed with the rally anyway, police detained a number of protesters, including BNF deputy chairman Yury Khadyka and Charter '97 deputy director Ludmilla Gryazanova. Six protesters were sentenced to between 3 and 10 days in prison.

On December 25, government security officers arrested approximately 10 persons, including journalists, at an unsanctioned demonstration against closer integration with Russia. On December 28, four of those detained were sentenced

each to 5 days in prison, two were fined, and one was given an official warning (see Sections 1.d. and 2.a.).

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.). Only in late 1997 did the Government, under considerable international pressure, order the Ministry of Justice to register the Congress of Independent Trade Unions and lift the 1995 ban on one of its constituents, the Free Trade Union (see Section 6.a.). The Government regularly harasses members and supporters of opposition parties, and confiscates their leaflets and publications. Government officials warned alumni of fo-

reign-sponsored education programs against continued affiliation with their program's sponsoring agency or embassy.

There are 28 registered national political parties and 43 registered trade unions (9 of which label themselves as free, independent, and democratic), and 2,200 registered social organizations. A 1995 decision by the Ministry of Justice required existing public associations to reregister. During the reregistration process, the Ministry sometimes found cause to deny reregistration to NGO's. According to the Belarus League for Human Rights, some government officials admitted that the process was illegal, and that they therefore had allowed some groups to continue operating under their original registration. However, since the 1995 decision, it has become more difficult in general for NGO's to obtain registration. On August 14, the Ministry of Justice upheld its prior decision to deny registration to the Belarusian Association of Prisoners of the Lukashenko Regime, a new opposition-affiliated organization.

The Government attempted to limit severely the activities of NGO's, primarily through intrusive and questionable tax audits, denial of registration, limited access to rental properties and intimidation of employees. Although it was not authorized to do so under the Law on Public Associations rewritten in 1997, the Security Council announced audits against the Belarusian Soros Foundation (BSF), as well as other NGO's. The BSF was forced to cease its operations as a result of the Government's campaign of harassment. On February 11, the Minsk Regional Economic Court reduced from \$3 million to \$80,000 a 1997 fine against BSF for alleged tax and currency violations but upheld the confiscation of the BSF's office equipment and property. Deputy Presidential Administration Head Ivan Pashkevich announced in November that all NGO's would have to reregister with the Government during early 1999.

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. In September 1997, a Belarusian Baptist pastor was arrested for allowing a foreigner to lead a prayer group under the pastor's auspices. The pastor subsequently was released. A 1997 directive by the Council of Ministers prohibits teaching religion at youth camps.

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, largely as part of an overall strategy to strengthen Slavic unity in the region. However, the effort has not slowed the growth of Roman Catholic and Protestant churches. Nevertheless, the Catholic Church has experien-

ced 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 late September, that Christian values should become "the state ideology of Belarus."

During a press conference held at a seminar in Minsk in early December, 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 the registration requests of 11 such "sects." For example, authorities consistently have denied the repeated registration attempts of the Belarus Orthodox Autocephalous Church.

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.

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. 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 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 led by the church's former priest who had spent 10 years in prison 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. All adults are issued internal passports, which serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

The right to choose one's place of residence, although provided by law, remains restricted in practice. Despite its formal abolition by the Soviet Government in October 1991, the "propiska" (pass) system survives in the country. All citizens are required to register their places of residence and may not change them without official permission. The authorities no longer explicitly limit the number of residence permits in Minsk and the five other regional centers of Brest, Grodno, Mogilev, Vitebsk, and Gomel. However, in order to register a citizen must have employment in the city already; but to be legally employed in the city, one must be registered already. These circular and conflicting requirements limit citizens' freedom of movement.

Government regulations on entry and exit require citizens who wish to travel abroad to receive first an overseas passport and a "global" exit visa, valid for between 1 and 5 years. Once a traveler has these documents, the law does not restrict travel.

In November authorities denied Pavel Sheremet, a local television correspondent for a Russian network given a 2-year suspended sentence in January for alleged illegal border crossing (see Sections 1.e. and 2.a.), permission to leave the country to receive an award from the Committee to Protect Journalists.

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 the 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 dissolved Parliament have acquired regular passports and have been allowed to travel abroad.

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 was also 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 United Nations 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 December, the Government had granted official refugee status to 64 persons (mostly Afghans and Ethiopians who have lived in the country since 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 officially has turned down four requests for refugee status.

Based on information from government agencies, the UNHCR estimates that there could be up to 35,000 potential refugees and 200,000 illegal aliens in the country. However, the UNHCR acknowledges that these numbers appear to overestimate refugees and aliens. The number of illegal aliens probably does not exceed 100,000. Some refugees report difficulty registering with local authorities, and continued delay in establishing a comprehensive asylum and refugee policy has made the lives of some of these individuals difficult. The UNHCR is not aware of any cases of bona fide refugees forced to return to countries in which they feared persecution.

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

The Government severely limits the right of citizens to change their government. From November 9-24, 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, the Prime Minister 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 new 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 Advisory and Monitoring Group in Minsk, President Lukashenko's National Assembly passed in December seriously flawed legislation on local elections, next scheduled to be held on April 4, 1999. 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.

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.

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

The country's poor human rights record drew the attention of many international human rights organizations, and there are several local human rights groups active in the country. However, members of local human rights organizations reported that the Government hindered their attempts to investigate alleged human rights violations. The Government monitored their correspondence and telephone conversations. The Government also attempted to limit severely the activities of NGO's through denial of registration, questionable tax audits, and other means (see Section 2.b.). Human rights monitors of the Belarusian Helsinki Committee were briefly detained occasionally while observing demonstrations during the year.

In general, the Government has been willing to discuss human rights with international NGO's whose members have been allowed to visit the country. Following a 3-day fact finding trip in August, the director of the international Helsinki Federation for Human Rights sent an open letter to the Foreign Ministry criticizing human rights violations in the country. In particular, the letter criticized the judiciary's refusal to investigate violence against journalists, the persecution of university students for political activities, and unreasonably high fines for participants in unsanctioned public protests.

On February 27, after protracted negotiations, the Government finally approved the opening in Minsk of the OSCE's Advisory and Monitoring Group office. The OSCE's presence in Minsk provides a potentially important forum for dialog on human rights issues.

In February following the trial of Youth Front members Shidlovskiy and Labkovich, the European Parliament adopted a resolution calling for their release and condemning, among other things, arbitrary arrests, intimidation, and threats of violence against journalists.

On August 19, the United Nations Human Rights Commission's Subcommission for the Prevention of Discrimination and Protection of Minorities adopted a resolution expressing concern at the climate of "fear and intolerance," the concentration of legislative power in the executive branch, and the existence of a weak judiciary in Belarus. The resolution called upon the

Government to lift restrictions on freedom of expression and to protect the integrity and rights of journalists and human rights defenders by allowing them to investigate, publish, and report on abuses of power and violations of human rights.

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 specifically prohibit 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 prohibiting 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 is not a significant problem within the country, there is much anecdotal evidence that young women seeking to work or travel abroad are vulnerable to sexual exploitation. According to the Ministry of Internal Affairs, very few women are deported back to Belarus for engaging in prostitution, and there are no local organized crime groups involved in the trafficking of women. However, the Ministry of Internal Affairs 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.

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 level of education of women is higher than that of men. Women make up 58 percent of workers with a higher education and 66 percent of workers with a specialized secondary education. Despite their higher rate of education, women are employed in lower paying fields, such as health care and education. In these sectors, between two-thirds and three-fourths of employees (mostly women) live beneath the official poverty level. Women are equal to men before the law with regard to property ownership and inheritance. There are active women's groups, most of them focusing 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 the consequences of the nuclear accident at Chernobyl, and, with the help of foreign donors, gives 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 requi-

red to complete 9 years, although the Government makes 11 years of education available at no cost, and is in the process of developing a 12-year education program. Higher education also is available at no cost on a competitive basis. Families with children receive token government benefits. A World Bank study has reported that the majority of those living in poverty are families with multiple children or single mothers.

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 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, high inflation and the sharp decline in the value of the Belarusian ruble greatly reduced the real worth of these limited subsidies.

Religious Minorities

Societal anti-Semitism exists but usually is not manifested openly. Senior government officials, including the President, and the state media have sometimes used coded anti-Semitic language in their attacks on perceived opponents. At the time of former National Bank Chairwoman Tamara Vinnikova's arrest in 1997 for alleged malfeasance (see Section 1.d.), the state media made insinuations about a previous trip to Israel.

In February, vandals smashed 35 tombs and monuments in a Jewish cemetery in the town of Rechitsa in the Gomel region. A similar incident, in which over 50 tombs were vandalized, took place in the same cemetery during 1997. Local officials reportedly have failed to come up with any leads in these cases.

In a television interview given in Moscow during December, 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."

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 recognized 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 organiza-

tion, the Congress of Democratic Trade Unions (BCDTU), which encompasses four leading independent unions and currently has approximately 18,500 members.

The Government has taken measures to suppress independent trade unions. For example, members of independent unions have been arrested for distributing union literature, had material confiscated at the borders (see Section 2.a.), 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 and the Ministry of Justice's registration of the BCDTU during December 1997, government authorities have continued to threaten and harass independent union members. State managers at the Mogilev Trolley Bus Directorate refused to allow Victor Tarnovskiy, the chairman of a local branch of the independent Democratic Trade Union of Transport Workers, to fulfill his union leadership responsibilities. The Directorate terminated Tarnovskiy's employment in April.

The Government continues to discourage employees at state-run enterprises from joining independent trade unions. Several workers at the Mogilev automobile plant were threatened during April that their employment contracts would be terminated unless they resigned their membership in the BFTU. Mogilev city officials also repeatedly have refused permission to hold union demonstrations.

Presidential decree number 639, "On Measures Aimed at Improvement of Cooperation of State Governing Bodies and Trade Unions," issued in December 1997, assigned to the Council of Ministers and the official Federation of Trade Unions of Belarus (FTUB) the task of drafting new legislation regarding collective bargaining, union rights, and representation. Although the FTUB-drafted "Concept of the State Policy Towards Trade Unions," has not yet been adopted, independent unions leaders fear that it potentially would lock them out of the collective bargaining process by limiting participation based on the size of union membership.

The 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 unwilling in the past to challenge the regime seriously, the FTUB's leadership during the year was far more vocal in its criticisms of the policies of the Lukashenko regime. In retaliation FTUB officials reportedly have been subjected to threats and harassment from the Government. However, independent labor leaders maintain that most FTUB officials do not promote effectively worker rights. Independent labor leaders also believe 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.

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.

Approximately 15 independent trade union activists, including BFTU chairwoman Maria Aliyeva and editor of the BFTU bulletin, Worker, Viktor Ivashkevich, were detained by police on November 5 following an antigovernment labor demonstration (see Section 2.b.). Although the BFTU had received government approval to hold a demonstration outside of the Minsk Tractor Factory, protest leaders were arrested after they decided to march on presidential administration offices to present a peti-

tion calling for higher wages and union access to the official media. A Minsk city court subsequently released with official warnings, fined, or sentenced to between 6 and 15 days in prison those who were arrested.

Following an extensive antiunion campaign conducted by the state media, the FTUB-affiliated Automobile and Agricultural Equipment Manufacturing Union called off at the last moment a demonstration against falling living standards that it had planned to hold in Minsk on December 2. There were credible reports that state sector workers were threatened with retaliatory punishments if they proceeded with the demonstration.

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. 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. According to a poll conducted by the Ministry of Labor's Labor Research Institute in January, most industrial workers believe that the terms of their employment are governed by collective bargaining agreements. However, only 17 percent of the workers polled thought that collective bargaining agreements are executed as stipulated.

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 and 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, forced labor 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 child of 14 years 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

On October 1, in a failed attempt to maintain the real value of wages, the Council of Ministers raised the monthly minimum wage from \$4 (250,000 rubles) to \$6 (350,000 rubles). On December 30, the Council of Ministers announced that the monthly minimum wage would be "raised" from 350,000 rubles to 500,000 rubles, which was then worth only \$2 at the official rate of exchange. The minimum wage does not provide a decent standard of living for a worker and family. However, the mini-

imum wage is used by the Government mostly as a statistical measuring tool, and the official monthly poverty line on December 30--approximately \$16.50 (4,180,267 rubles)--was actually much higher. According to one estimate, the average monthly wage at the end of the year stood at approximately \$33 (8,527,189 rubles), a drop of 170 percent in real terms since January. Agricultural workers are paid approximately 39 percent less than the average monthly wage. Sharp devaluation of the ruble during the year made it even more difficult for the average worker to earn a decent living. Wage arrears in the state sector were also a growing problem and totaled over 9 percent of the Government's wage fund in October. Collective and state farms accounted for over 84 percent of the arrearages. According to the president of the FTUB, at least 12 percent of state industrial enterprises pay workers late, and less than 50 percent of agricultural workers receive their wages on time.

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 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. According to official data, 294 people died and 692 were injured in workplace accidents during the year. The high accident rate is due to lack of protective clothing, shoes, and equipment, non-observance of temperature regulations, and the use of outdated machinery. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

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