

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	153
Land:	Belarus
Kilde:	US Department of State
Titel:	Belarus 2012 Human Rights Report
Udgivet:	19. april 2013
Optaget på baggrundsmaterialet:	6. maj 2013

BELARUS 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Belarus is an authoritarian state. The country's constitution provides for a directly elected president who is chief of state and a bicameral parliament, the national assembly. A prime minister appointed by the president is the nominal head of government. In practice, however, power is concentrated in the presidency. Since his election as president in 1994, Alyaksandr Lukashenka has consolidated his rule over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. All subsequent presidential elections, including the one held in 2010, were neither free nor fair and fell well short of international standards. The September 23 parliamentary elections also failed to meet international standards. Security forces reported to civilian authorities and to Lukashenka in particular.

The most significant human rights problems continued to be: a) citizens were unable to change their government; b) in a system bereft of checks and balances, authorities committed frequent, serious abuses; and c) persons continued to be imprisoned on politically motivated charges, and the government failed to account for politically motivated disappearances in the past.

Other human rights problems included abuses by security forces, which beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture or mistreatment during investigations and in prisons. Prison conditions remained extremely poor. Authorities arbitrarily arrested, detained, and imprisoned citizens for criticizing officials, for participating in demonstrations, and for other political reasons. The judiciary suffered from inefficiency and political interference; trial outcomes often appeared predetermined, and trials frequently were conducted behind closed doors or in absentia. Authorities continued to infringe on the right of privacy. The government further restricted civil liberties, including freedom of speech, press, assembly, association, religion, and movement. The government seized printed materials from civil society activists and prevented independent media from disseminating information and materials. The government continued to hinder or prevent the activities of some religious groups, at times fining them or restricting their services. Official corruption in all branches of government remained a problem. Authorities harassed human rights groups, nongovernmental organizations (NGOs), and political parties, refusing to register many and then threatening them with criminal prosecution for operating without registration.

Violence and discrimination against women were problems, as was violence against children. Trafficking in persons remained a significant problem. There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language. Authorities harassed and at times dismissed members of independent unions from employment in state-owned enterprises, severely limiting the ability of workers to form and join independent trade unions and to organize and bargain collectively.

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

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

a. Arbitrary or Unlawful Deprivation of Life

During the year there were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no developments in the reportedly continuing investigations into the 2000 disappearance of journalist Zmitser Zavadski and the 1999 disappearances of opposition activist Viktor Hanchar and businessman Anatol Krasouski. There was evidence of government involvement in the disappearances, but authorities continued to deny any connection with them. Following earlier practice, on January 1, a newly established investigations committee again extended the 12-year investigation into the 1999 disappearance of former interior minister and opposition leader Yury Zakharenka. On April 27, the Foreign Ministry responded to Zavadski's widow's inquiry regarding the country's possible accession to the International Convention for the Protection of All Persons from Enforced Disappearance. The ministry claimed that there was no need to join the convention, citing heavy criminal penalties for abduction and subsequent disappearance that are already in place. Human rights advocates argued that the law does not prescribe penalties for enforced disappearances by state agents or by persons or groups of persons acting with the authorization, support, or acquiescence of the state as defined in the convention.

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

The law prohibits such practices; however, the Committee for State Security (KGB), riot police, and other security forces--often unidentified and in plain clothes--continued to beat detainees and demonstrators routinely. Security forces also reportedly used torture during investigations. During arrests police frequently beat criminal suspects as well as persons detained for organizing or participating in demonstrations and other opposition activities. On at least two separate occasions in May and July, police beat an activist from the European Belarus civil campaign, Andrei Molchan, for publicly displaying a democratic opposition white-red-white flag and other opposition symbols at out-of-the-way locations in Minsk. On May 20, Molchan sustained a concussion and severe bruising requiring hospitalization for six days. Officers also threatened him with criminal prosecution for allegedly resisting their orders. On July 13, police beat and arrested Molchan for displaying opposition stickers; on July 24, he was fined one million rubles (\$117) for the action.

On January 19, a local district police department refused to open a criminal case to investigate a December 2011 reported incident of police abuse against three female Ukrainian activists protesting election fraud in Minsk, citing lack of evidence and proof of injuries. In December 2011 unidentified individuals believed to be from the KGB reportedly arrested the activists, abducted them, and took them to a forest, where they were forced to disrobe, doused with gasoline, and threatened with immolation. They were found by local residents at a remote village near the Ukrainian border, treated at a local hospital, and returned to Ukraine.

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

Some hazing of new army recruits, including beatings and other forms of physical and psychological abuse, reportedly continued; however, the situation improved from previous years as the government increased its prosecution of offenders. In May 2011 the Prosecutor General's Office stated that military leaders and prosecutors were taking "effective measures" to prevent deaths, injuries, and incidents of hazing in the army.

Prison and Detention Center Conditions

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

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

As of October 1, authorities reported that, of the approximately 31,700 persons incarcerated nationwide, roughly 24,900 were adult inmates in penal colonies (prisons), while 633 were adult inmates in the highest security prisons (with very limited privileges) and 272 were minors in juvenile penal colonies. Approximately 5,800 persons were incarcerated in pretrial detention facilities and arrest houses. The total number of inmates was down 19.7 percent from October 2011. Approximately 4,500 other persons were held in a form of internal exile (khimiya) in 2011. Persons sentenced to khimiya were allowed to work outside of detention facilities but were required to return to prison barracks, where they lived under strict conditions and supervision.

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

Overcrowding of holding facilities and prisons continued to be a problem, although an amnesty reduced the number of inmates. Ministry of Internal Affairs officials dismissed reports of overcrowding.

On July 7, European Belarus activist Alena Semenchukova filed a complaint with the Vitsyebsk regional prosecutor's office urging improvement of conditions at a local detention center, where she was held for 10 days on charges of illegally distributing opposition leaflets. Among other dehumanizing and unsanitary

conditions, she listed the lack of running water and a bed, which forced her to sleep on the cold cement floor with no warm clothing.

According to NGOs and former prisoners, authorities routinely abused prisoners. On December 6, a Minsk district court sentenced Paval Plaksa to 10 years in a high-security prison on charges of burglary, arson, and deliberate destruction of property allegedly committed in May. Although he admitted guilt on some burglary charges and his family reimbursed the damages and returned stolen items, during the trial he retracted confessions made to investigators during his pretrial detention. Plaksa complained that investigators abused, beat, and harassed him to compel the confessions. Prosecutors dismissed his claims of torture despite documented evidence that police called for an ambulance to provide medical assistance to Plaksa three times during his three-day detention at a precinct before his transfer to a pretrial holding facility.

Shortly after his release from prison on April 15, former presidential candidate Andrei Sannikau claimed that, as a condition of his release, authorities continuously harassed, pressured, and forced him to sign a pardon request. Sannikau stated that he often was placed in solitary confinement and isolated from any communication with other prisoners, his lawyer, and family. Similar pressure continued to be applied to other political prisoners during the year, and they often were banned from speaking about their health and detention conditions with their lawyers. Prior to Sannikau's release, his spouse stated that the prison administration threatened to halt his meetings with his lawyer if he mentioned his health concerns and the conditions of detention.

Upon his release on April 16, Sannikau's associate and fellow political prisoner Dzmitry Bandarenka stated that prison authorities threatened him with physical abuse as well as harassed and pressured him into signing a pardon request. Bandarenka also cited attempts to recruit him as an informant. Following surgery on his spine, prison authorities reportedly removed Bandarenka's crutches and orthopedic shoes until he signed a pardon request.

On January 10, the Brest Regional Prosecutor's Office refused to open a criminal investigation into reports of mistreatment of political prisoner Mikalai Autukhovich. Officials stated that during their inspection it was "not possible" to determine that Autukhovich, a Vaukavysk entrepreneur and anticorruption activist, had suffered systematic dehumanizing treatment or that prison authorities compelled him to attempt suicide. Autukhovich's former lawyer, Paval Sapelka, filed his claim in December 2011 after Autukhovich cut his veins to protest

continued severe harassment by prison authorities. Prison authorities charged that Autukhovich attempted suicide in defiance of prison rules.

Credible sources maintained that prison administrations used other inmates against political prisoners for purposes of intimidation and compelling confessions. They also reported that authorities neither explained nor protected political prisoners' legal rights and penalized inmates for any minor violation of the "internal regime." For example, on March 14, political prisoner Zmitser Dashkevich was placed in solitary confinement for 30 days for the third consecutive time. On June 27, political prisoner and former presidential candidate Mikalai Statkevich was placed in solitary confinement for 10 days for refusing to share a cell with an HIV-positive inmate who had twice cut his veins. The harsh conditions in solitary confinement reportedly included denial of bedding, lack of time outdoors, and sleep deprivation. Authorities refused to provide warm clothing, despite the frequently low temperatures in the cells.

Corruption in prisons was a serious problem, and observers noted that the outcome of parole applications often depended on bribes to prison personnel or political motivation.

Former prisoners reported that access to medical care was severely limited, that it frequently was provided by unqualified medical personnel, and that the results of medical check-ups often were fabricated. As a result of these conditions, tuberculosis, pneumonia, HIV/AIDS, and other communicable diseases were widespread in prisons. According to domestic human rights groups, the rate of tuberculosis infection in prisons was many times the national average. The Ministry of Internal Affairs reported that, as of the end of December, 836 prisoners suffered from active tuberculosis. According to some estimates, the death rate from tuberculosis among inmates was 1.3 times the national average. Authorities continued their practice of isolating certain prisoners, particularly inmates with HIV/AIDS and foreign citizens. According to official data, at the end of 2010 there were 1,098 inmates with HIV/AIDS, who accounted for 15 percent of the total number of persons with HIV/AIDS in the country.

Administration: Recordkeeping on prisoners was adequate and overseen by the Department of Corrections under the Ministry of Internal Affairs.

Authorities used several alternatives to prison sentences for nonviolent offenders. The most common alternative sentences included partial house arrest, restrictions on freedom of movement, and khimiya. In May an official with the Investigation

Committee reported that the number of individuals, especially first-time offenders for nonviolent crimes, who received alternative sentences during the period January through March was six times higher than for the same period in 2011.

While authorities claimed to conduct annual or more frequent investigations and monitoring of prison and detention center conditions, human rights groups asserted that such inspections, even if they did occur, lacked any credibility. There was no ombudsman who could serve on behalf of prisoners and detainees; human rights advocates who were not members of state-controlled bar associations had no access to prisoners and detainees and could not provide them advice.

Prisoners and detainees had limited access to visitors, and denial of meetings with families was a common punishment for disciplinary violations. Political prisoners were often denied meetings with families as a means of pressure and intimidation. For example, on August 15, authorities denied political prisoner Ales Byalyatski a meeting with his family as a punishment for two minor violations, including taking a piece of bread from the dining facility to his cell.

Although the law provides for freedom of religion, and there were no reports of egregious infringements, authorities generally prevented prisoners from holding religious services and performing rituals that did not comply with prison regulations. Although a number of prisons had designated Orthodox facilities, requests from prisoners of other faiths and denominations to invite clergy were often not considered. For example, prior to a special visit by Apostolic Nuncio Claudio Gugerotti on September 25, political prisoner Ales Byalyatski's repeated requests to meet with a Catholic priest were denied by prison authorities. The refusals were justified by citing an internal rule that a minimum of four inmates had to petition for a clerical visit--an impossible request given Byalyatski's continued isolation and threats against other inmates should they communicate with him. Later in the year, however, authorities allowed Byalyatski at least one more clerical visit.

Former prisoners credibly reported that their complaints to higher authorities were often censored or not forwarded by prison officials, and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Complaints could result in retaliation against prisoners who spoke out, including humiliation, death threats, or other forms of punishment.

Monitoring: Authorities did not permit independent monitoring of penal institutions. Despite numerous requests to the Ministries of Internal Affairs and

Justice, government officials continued to refuse to meet with human rights advocates or approve requests to visit detention facilities. There were no comprehensive reports during the year of independent monitoring of prison conditions by domestic or international human rights groups, independent media, or the International Committee of the Red Cross. On February 14, journalists of the popular independent news portal *tut.by* published a straightforward and factual account of their January visit to a prison in Zhodzina. Their report did not cite any conversations with inmates and quoted a senior prison official who stated that prison authorities complied with all regulations regarding prison conditions.

d. Arbitrary Arrest or Detention

The law limits arbitrary detention; however, the government did not respect these limits in practice. Authorities continued to arrest individuals for political reasons and to use administrative measures to detain political activists before, during, and after protests.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs exercises authority over the police, but the KGB, the Financial Investigations Department under the State Control Committee, the Investigation Committee, and the presidential security services also exercise police functions. The president also has the authority to subordinate all security bodies to his personal command. Impunity among law enforcement personnel remained a serious problem. Individuals have the right to report police abuse to a prosecutor; however, the government often did not investigate reported abuses or hold perpetrators accountable.

Arrest Procedures and Treatment While in Detention

By law police must request permission from a prosecutor to detain a person for more than three hours; in practice police usually ignored this procedure and routinely detained and arrested individuals without warrants. Authorities may hold a criminal suspect for up to 10 days without filing formal charges and for up to 18 months after filing charges. Under the law prosecutors, investigators, and security service agencies have the authority to extend detention without consulting a judge. Detainees have the right to petition the legality of their detention, but in practice authorities frequently suppressed or ignored appeals by suspects for a court review of their detention.

Arbitrary Arrest: During the year authorities routinely detained or arrested dozens of individuals, including opposition figures, members of the independent media, social media activists, and civil society activists, for reasons widely considered to be politically motivated. Authorities used administrative measures to detain political activists before, during, and after planned demonstrations and protests.

On April 26, following a government-sanctioned Chernobyl commemoration march, authorities detained several Young Front democratic opposition activists and sentenced them to 15 days in jail. Mikalai Dzemidzenka, Raman Vasilyeu, and Mikhail Muski, all Young Front activists, were also detained and jailed several times earlier in the year in separate incidents where they were accused of holding unsanctioned demonstrations or displaying symbols of the democratic opposition. On May 11, a Minsk district court subsequently sentenced Muski to five days in jail without release between trials. On May 16, upon his release, he was immediately drafted into the military.

On July 6, authorities arrested Syarhei Basharymau, a real estate agent who leased an apartment to two Swedish advertising agency employees involved in a freedom of speech protest in which teddy bears were airdropped into the country on July 4. On July 13, authorities detained independent journalist Anton Surapin for uploading photographs to a Web site that included freedom of speech messages from the same protest. Both were charged with facilitating illegal border crossing, held until their release on August 17, and remained under KGB surveillance and unable to leave Belarus at year's end.

On July 18, police detained four activists protesting the proposed construction of a nuclear power plant. A Minsk district court fined Iryna Sukhi, leader of the NGO Ecodom, 1.5 million rubles (\$175) and sentenced Mikhail Matskevich, a member of the Legal Transformation Center, to three days in jail. Fellow activists Tatsyana Novikava and Russian scientist Andrei Ozharovsky received five and 10 days in jail, respectively.

On July 26, a group of human rights advocates and civil society leaders appealed to the prosecutor general and the president of the Supreme Court, seeking a meeting to discuss arbitrary detentions of youth and democratic activists. On August 7, the Prosecutor General's Office responded that there were no legal grounds to consider the appeal because its signatories did not officially represent the activists.

Pretrial Detention: Authorities may hold a criminal suspect for up to 10 days without filing formal charges. Prior to being charged, the law provides detainees

with no access to their families or to food and medical supplies from outside the detention facility. In an effort to maximize pressure on such detainees, police routinely held persons for the full 10-day period before charging them.

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

On May 6, police arrested 15 persons, including two performers, at an open-air concert by democratic opposition singers Ihar Simbirou and Dzmitry Bartosik near Minsk. All except Simbirou were released after police checked their identities, fingerprinted them, and had them provide detailed explanations for their presence at the concert. Simbirou was held in pretrial detention for one day and, on May 8, was sentenced to 15 days in jail on charges of resisting police. Prior to this, he was sentenced to 10 days in jail for planning to participate in the Chernobyl march on April 26.

Amnesty: During the year through mid-December, the government granted amnesty to and released 2,877 convicts from prison and reduced by one year the sentences of 5,714 prisoners. No political prisoners were released under the amnesty.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, authorities did not respect judicial independence in practice. Corruption, inefficiency, and political interference with judicial decisions were widespread. Courts convicted individuals on false and politically motivated charges brought by prosecutors, and senior government leaders and local authorities dictated the outcomes of trials.

According to the most recent available report by a UN special rapporteur in 2006, prosecutors wielded “excessive and imbalanced” authority because they may extend detention without the permission of judges. It also noted an imbalance of power between the prosecution and the defense. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because technical expertise was under the control of the Prosecutor’s Office. According to many

defense attorneys, these imbalances of power persisted throughout the year, especially in politically motivated criminal and administrative cases. In very few cases during the year were criminal defendants exonerated.

Under a law amended in April, bar associations are independent, and licensed lawyers can establish private practice or bureaus; however, in practice they remained subordinate to the Ministry of Justice. All lawyers must be licensed by the ministry and renew their licenses every five years. Although previously the law prohibited attorneys from engaging in private practice, private legal companies were allowed to provide legal assistance and advice to private companies and represent their clients in economic courts.

During the year authorities continued to revoke the licenses of attorneys who represented prominent opposition leaders, civil society activists, and independent journalists arrested in connection with the demonstrations that followed the December 2010 presidential election for activities related to the defense of their clients.

On January 17, the Minsk city court rejected an appeal of the 2011 disbarment of Tamara Sidarenka, a lawyer for former presidential candidate Uladzimir Nyaklyaeu.

On March 11, the Minsk city bar association expelled Andrei Varvashevich, a lawyer for former presidential candidate Andrei Sannikau. This followed the Justice Ministry's January 2011 statement that "certain lawyers" who were defending individuals facing criminal charges, including the presidential candidates, were committing "gross violations" of the rules of professional ethics for lawyers, as well as of the country's laws. The ministry accused the lawyers of distorting information about the investigations of their clients, their state of health, and their conditions of detention. The ministry subsequently announced that all licensed lawyers, excluding junior staff, had to pass extraordinary performance reviews to renew their licenses. The April amendment to the law also authorizes the ministry to advise lawyers and bar members on whom to elect as chairpersons.

Trial Procedures

The law provides for the presumption of innocence. However, because of the lack of judicial independence, the practice of state media to report on high-profile cases as if guilt were already certain, and widespread practices that limited a defendant's

right to self-defense in court, the burden to prove one's innocence was, de facto, frequently on defendants.

The law also provides for public trials; however, trials occasionally were closed and frequently were held in judges' offices, where attendance was severely limited. Judges adjudicate all trials; there is no system of trial by jury. For the most serious cases, two civilian advisers assist the judge.

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

The law provides for access to legal counsel for detainees and requires that courts appoint a lawyer for those who cannot afford one; however, some detainees were denied access to a lawyer or to a Belarusian-language interpreter if they requested one. Most judges and prosecutors were not fluent in Belarusian and rejected motions for interpreters. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers by training from representing individuals other than members of their organizations in court. The government's disbarment of attorneys who represented political opponents of the regime limited defendants' choice of counsel in high-profile political cases. The government's actions further forced lawyers to limit their contacts with media and refrain from public comments regarding their clients' cases.

Those charged in connection with the December 2010 demonstrations had very limited access to lawyers, and authorities did not allow any of the detainees to meet in private with their lawyers at holding facilities. Some lawyers openly stated in 2011 that authorities obstructed them from seeing clients.

In January and August, the government tried a number of political prisoners, including Zmitser Dashkevich and Mikalai Statkevich, on charges of violating prison rules that many observers believed were an attempt to put pressure on them. Authorities did not allow prisoners to discuss their cases fully and in private with their lawyers.

Courts often allowed statements obtained by use of force and threats of bodily harm during interrogations to be used against defendants.

Defendants have the right to appeal court decisions, and most defendants did so. However, appeals courts upheld the verdicts of the lower courts in the vast majority of cases, including in all criminal cases connected with postelection demonstrations.

Political Prisoners and Detainees

During the year local and international human rights organizations reported several different lists of political prisoners in the country. These included individuals serving prison time or khimiya, a form of internal exile, at year's end. Two individuals who had been convicted and imprisoned on politically motivated charges following the December 2010 protests were pardoned and released during 2012, bringing the total number of such pardons up to 26. Many of those pardoned reported pressure to sign pardon requests, and all were subsequently still unable to exercise some civil and political rights.

At year's end several political opposition members convicted following the December 2010 elections remained in jail, including presidential candidate Statkevich as well as Malady Front leaders Dashkevich and Eduard Lobau. Many of those in jail reportedly faced mistreatment and severe pressure. On August 28, a court sentenced Dashkevich behind closed doors to a year in a higher-security prison for repeatedly violating prison rules. This new sentence extended his overall prison term by eight months. In October he was transferred to a high-security prison to serve out the remainder of his sentence.

On May 29, Vasil Parfyankou was sentenced to six months' imprisonment after a Minsk district court found him guilty of violating his one-year parole by participating in political activity. On August 9, he was transferred to prison. On December 26, a court denied him parole. Parfyankou previously served time as a political prisoner in a case related to the 2010 postelection demonstrations but was pardoned in August 2011.

During the year Mikalai Autukhovich remained in prison; he was convicted of illegal weapons possession in 2010. Amnesty International and other human rights groups recognized Autukhovich as a political prisoner.

Nasta Palazhanka, a leader of the Malady Front youth group convicted of leading activities that severely violated public order, completed her one-year suspended sentence. Ales Mikhalevich, a former presidential candidate charged in the

criminal case related to the December 2010 postelection demonstration, remained abroad.

In September Lukashenka pardoned Paval Syramolatu, who was serving prison time for an alleged Molotov cocktail attack on a Babruisk KGB office in May 2011. However, four other individuals whom prosecutors called “anarchists” remained in prison at year’s end on various charges, including smearing paint on a local casino, taking part in a demonstration at the Ministry of Defense, and throwing a Molotov cocktail at the Russian embassy. During their court hearings, the defendants reported threats against associates and family members to compel them to testify against them, as well as pressure to sign confessions. Leading local human rights groups, including Vyasna and the Belarusian Helsinki Committee (BHC), either recognized these individuals as prisoners of conscience or noted serious due process violations that required at the very least a retrial.

On January 12, authorities transferred Statkevich to a higher-security prison on charges of repeatedly violating prison rules, thus reducing privileges such as receiving visits or packages. The transfer stemmed from Statkevich’s missing a number tag on his uniform and failing to list his belongings accurately. Although the transfer did not extend his original six-year term, prison authorities continued to deny his appeals to ease his prison conditions.

On January 17, authorities transferred Autukhovich to a higher-security prison for the remainder of his five-plus-year term on court orders for repeated violations of prison rules.

Ales Byalyatski, chairman of Vyasna, remained imprisoned on politically motivated tax evasion charges related to his human rights activities. On March 29, a Minsk district court ordered him to pay an additional 140 million rubles (\$16,400) in fines for allegedly delaying income tax payments. Hearings were held in absentia, and his wife, lawyer, and associates were not notified about the court hearings. On July 17, the Minsk city court upheld the fine. On November 26, authorities confiscated his apartment, which housed Vyasna’s offices.

In April Lukashenka pardoned former presidential candidate Andrei Sannikau and his aide Dzmitry Bandarenka. They reported that they faced serious pressure by authorities to sign their pardon requests. Both men left the country following their release and were living in exile. Sannikau’s wife, who was serving a two-year suspended sentence, was not allowed to travel to visit him.

On April 21, Lukashenka stated that, if those convicted in connection with the December 2010 postelection demonstrations had not appealed to him for a pardon, they would have remained in jail and “those who are in jail and have not appealed yet will remain incarcerated.”

Authorities also maintained control over some of those prisoners who already had been released. For example, on March 15, a court placed strict parole conditions on former political prisoner Uladzimir Yaromenak. On April 10, similar conditions were placed on fellow former political prisoner Paval Vinahradau. Both were pardoned and released from prison in 2011.

Civil Judicial Procedures and Remedies

The law provides that individuals can file lawsuits seeking damages for, or cessation of, a human rights violation; however, the civil judiciary was not independent and was rarely impartial in such matters.

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

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

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

The law requires a warrant before, or immediately after, conducting a search; however, the KGB and riot police entered homes, conducted searches, and read mail without warrants. The KGB has the authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals. In numerous instances authorities searched residences and offices for apparent political reasons. For example, police searched and confiscated printed materials at the residence of the For Fair Elections campaign coordinator, Viktor

Karneyenka, on the eve of his departure to an Organization for Security and Cooperation in Europe (OSCE) conference on elections on July 12.

Security forces continued to target prominent opposition and civil society leaders with arbitrary searches and interrogations at border crossings and airports. For example, in September authorities searched human rights activists Syarhei and Iryna Semyanuk and Dzmitry Salauiyou for several hours at the Ukrainian and Polish borders, respectively. On October 7, customs officers also searched human rights advocate Nasta Loika at the Lithuanian border.

The law prohibits authorities from intercepting telephone and other communications without a prosecutor's order. In practice authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups reported that authorities monitored their conversations and activities.

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

The Ministry of Communications has the authority to terminate the telephone service of persons who violate their telephone contracts, and such contracts prohibit the use of telephone services for purposes contrary to state interests and public order. Cellular telephone providers are banned from selling cellular telephone cards to customers who do not produce their passports or to foreigners who are not registered with local migration services.

During the year authorities continued to harass family members of NGO leaders and civil society and opposition activists through selective application of the law. For example, on September 26, authorities in Homyel ordered local human rights activist Leanid Sudalenka, his wife, and his son to file income and property statements for the period between 2008 and 2011, which is not obligatory in the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, the government did not respect these rights in practice and enforced numerous laws to control and censor the public and the media. Moreover, the all-dominant state press almost exclusively propagated views in support of Lukashenka.

Freedom of Speech: Individuals could not criticize the government publicly or discuss matters of general public interest without fear of reprisal. Authorities videotaped political meetings, conducted frequent identity checks, and used other forms of intimidation. Wearing masks, displaying unregistered or opposition flags and symbols, and displaying placards bearing messages deemed threatening to the government or public order also were prohibited.

For example, on May 15, Dzmitry Kramyanetski, a Young Front activist, along with Mikalai Dzemidzenka and Raman Vasilyeu, were sentenced to jail on minor hooliganism charges after unidentified security officials entered their apartment and arrested them for displaying an opposition white-red-white flag outside their window. Kramyanetski received additional time in jail for allegedly using obscenities after his arrest, a charge often used against the opposition and civil society activists.

Authorities suppressed activists who publicly advocated for a popular boycott of the parliamentary elections. On September 3, authorities detained activist Barys Khamaida after he displayed a poster supporting a boycott. He was subsequently fined for holding an unauthorized protest.

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

Freedom of Press: Government restriction of press freedom severely limited access to information and often resulted in self-censorship by the media and even the closing of publications. Appearances by opposition politicians on state media were nonexistent, except for extremely limited access required by law during election campaigns, which was then subject to official censorship. Authorities warned, fined, detained, interrogated, or jailed members of the media and harassed bloggers who publicly criticized the government. Under the law the government may close a publication after two warnings in one year for violating a range of restrictions on the press. In addition regulations give authorities arbitrary power to prohibit or censor reporting. The Information Ministry can suspend periodicals or newspapers for three months without a court ruling. The law also prohibits the

media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs.

During the 2012 parliamentary election campaign, state-controlled media outlets censored speeches by democratic opposition candidates, a step back from the 2010 presidential elections, when candidates were allowed to appear live. For example, in September Belarusian Television warned parliamentary candidate Mikalai Kazlou that his recorded speech would be forwarded to the central election commission for censoring and that he should not call for an election boycott.

The Information Ministry continued to deny registration to many independent media outlets. In spite of the lack of registration, independent media, including newspapers, magazines, and Internet news Web sites, sought to provide objective and independent coverage of events. However, they operated under repressive media laws, and most faced discriminatory publishing and distribution policies.

State-owned media, which were extremely biased and served as a propaganda arm of the regime, dominated the information field and maintained the highest circulation through generous subsidies and preferences. There is no countrywide private television. The state-owned postal system, Belposhta, and the state-owned kiosk system, Belsayuzdruk, continued to refuse to deliver or sell numerous independent newspapers that covered politics.

Although authorities continued to allow the circulation of *Narodnaya Volya* and *Nasha Niva*, two independent national newspapers, through state distribution systems, they remained subject to restrictions and financial penalties. For example, on February 9, a Minsk district court ordered *Nasha Niva* to pay five million rubles (\$585) to compensate for “moral damage” to a former state television journalist whom the newspaper accused of fraud. The journalist claimed that a newspaper editorial defamed him by calling him a criminal before his conviction, which later was overturned.

On December 12, the Information Ministry refused to reregister *Arche* magazine, an independent intellectual and literary journal published in Belarusian, citing its new chief editor’s lack of the required five years of managerial experience.

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

the removal of news deemed undesirable by authorities. At times authorities blocked, censored, or replaced their news programs with local programming. Satellite broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually along the border.

Violence and Harassment: Authorities continued to routinely harass, arrest, and assault journalists.

In 2011 security forces arrested seven members of the Belarusian Association of Journalists (BAJ), who later were convicted of “participating in mass disturbances” or organizing activities that “violated public order” as a result of their work on presidential campaigns in 2010. These included former presidential candidate Sannikau’s aide Zmitser Bandarenka, sentenced to two years in prison and pardoned in April; former presidential candidate Uladzimir Nyaklyaeu’s aides Alyaksandr Fyaduta and Syarhei Vaznyak, both given two-year suspended sentences; former presidential candidate Vital Rymasheuski’s aide Pavai Sevyarynets, sentenced to three years of internal exile; independent journalist and Sannikau’s wife Iryna Khalip, given a two-year suspended sentence; and Sannikau’s spokesman Alyaksandr Atroshchankau, sentenced to four years in prison and pardoned in September 2011. At year’s end Sevyarynets remained in internal exile, and Khalip remained under a form of house arrest.

During the year authorities raided offices of media organizations. For example, on May 2, police confiscated computers from the office of the Polish radio station Radio Racyja in Minsk.

Security forces continually hampered efforts of independent journalists to cover demonstrations and protests in Minsk and across the country. For example, on September 18, unidentified security officers brutally dispersed picketers of the Tell the Truth campaign in support of boycotting parliamentary elections and detained seven independent journalists, including members of the foreign press. All correspondents were released after a two-hour identity check, and some of their video footage and photographs were deleted. An officer punched Associated Press photographer Syarhei Hryts, breaking his glasses and injuring his face. On the same day, two Poland-based Belsat TV journalists also were detained briefly. Although both were released without charge, police confiscated their camera for further examination.

On September 28, the Minsk city police office rejected a BAJ proposal for a meeting to discuss mistreatment of journalists who cover opposition

demonstrations. Officials cited lack of need for “additional interaction” between police and journalists as a reason for their refusal. They also claimed that specially designated police officers were deployed during street demonstrations for interaction with media and to answer questions or explain regulations.

Harassment of Belarusian and foreign journalists was also common. For example, on June 22, a Minsk district court sentenced Poland-based European Radio for Belarus journalist Paval Svyardlou to 15 days in jail for allegedly using obscenities in public. Independent observers linked his arrest to his earlier report on breaches in the security of the subway system in Minsk.

On May 7, authorities denied the Hrodna-based correspondent of the Radio Racyja station, Viktor Parfyanenka, his fourth accreditation application.

In August the Foreign Ministry denied accreditation to Gesine Dornbluth, a correspondent of the German Deutschlandradio, who intended to cover the September 23 parliamentary elections, without providing a reason for the denial. On September 21, authorities detained and searched Australian television correspondent Amos Roberts at the airport. Although he had an official accreditation from the Foreign Ministry, his laptop, camera, and data storage devices were seized.

Censorship or Content Restrictions: The vast majority of publications were forced to exercise self-censorship. The government tightly controlled the content of domestic, state broadcast media. Local independent television stations operated in some areas and reported local news; however, most were under government pressure to forego reporting on national and sensitive issues or risk censorship. Authorities frequently pressured such stations into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups that met with foreign diplomats.

In 2009 Lukashenka repeated his belief that control of radio and television stations was a high priority for the government and that private stations would not be allowed to operate in the country.

Only state-run radio and the state-run television networks were allowed to broadcast nationwide. The government continued to use its monopoly of television and radio broadcasting to disseminate its version of events and minimize all opposing viewpoints. State television apparently coordinated its propaganda documentaries with the country’s security services, as evidenced by the use of

surveillance footage and wiretap transcripts in broadcasts. Authorities banned state media from citing works and broadcasting music by independent local and well-known foreign musicians, artists, writers, and painters who were named on an alleged “black list.”

Local authorities frequently warned independent editors and journalists to avoid reporting on certain topics and not to criticize the government. Authorities harassed bloggers for the same reasons. Authorities also warned businesses not to advertise in newspapers that criticized the government. As a result, independent media outlets operated under severe budgetary constraints.

Journalists reporting for international media that gave extensive coverage to the country, such as the Warsaw-based independent satellite channel Belsat TV and Radio Racyja, were unable to receive press accreditation and thus continued to receive warnings from the Prosecutor’s Office for working without it. During the year authorities sent warnings to at least 12 independent journalists.

Libel Laws/National Security: Libel is a criminal offense. There are large fines and prison sentences of up to four years for defaming or insulting the president. Penalties for defamation of character make no distinction between private and public persons. A public figure who is criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report.

For example, in April 2011, police arrested Andrzej Paczobut, Belarusian journalist for Polish *Gazeta Wyborcza* and leader of the unregistered Union of Poles (UPB), on charges of slandering and insulting the president. In July 2011 a court in Hrodna convicted him of slander in a closed-door proceeding and sentenced him to a three-year suspended sentence with two years of probation. He was acquitted of the charge of insult. Paczobut was also prohibited from leaving the country. In September 2011 a higher court rejected his appeal. On June 21, he was arrested after authorities pressed new slander charges against him. On June 30, he was released unexpectedly on his own recognizance. At year’s end he was facing five years in jail pending completion of the investigation.

Authorities also frequently cited national security as grounds for censorship of media.

Publishing Restrictions: The government took numerous actions during the year to limit the independent press, including limiting access to government officials and

press briefings, controlling the size of press runs of papers, and raising the cost of printing. Several independent newspapers, including *Vitsyebski Kuryer*, printed materials in Russia because domestic printing presses (almost all of which were state-owned) refused to print them. Other independent newspapers, such as *Salidarnasc*, *BDG*, and *Bobruyski Kuryer*, disseminated Internet-only versions due to printing and distribution restrictions.

Conversely, authorities provided robust support for government-controlled media. In January authorities pledged that state print media, television, and radio would receive more than 490 billion rubles (\$57 million) in subsidies to cover broadcast and printing costs, the purchase of paper, and salaries for staff.

During the year the government confiscated numerous independent and opposition newspapers and seized leaflets and other materials deemed to have been printed illegally. Authorities also often fined distributors of independent press publications. For example, on January 15, police seized a print run of 10,000 copies of *Vitsyebski Kuryer*. On June 7, a Vitsyebsk district court fined civil society activist Syarhei Kandakou two million rubles (\$234) for distributing copies of independent newspapers in the streets. The same fine was imposed earlier on another local activist, Hanna Hadleuskaya, for distributing an opposition bulletin.

Internet Freedom

The government continued to interfere with Internet freedom and actively monitored e-mail and Internet chat rooms. While individuals and groups were generally able to engage in the peaceful expression of views via the Internet, including by e-mail, all who did so risked possible legal and personal repercussions. Opposition activists faced the likelihood that their e-mails and other Web-based communications would be monitored. Moreover, government providers blocked independent and opposition Web sites during major political events, such as elections or demonstrations.

The independent online research agency Gemius Belarus reported that as of November 1, the number of Internet users reached approximately 4,460,000 persons, or 13 percent more than in 2011. More than 80 percent of those using the Internet did so daily, and the level of Internet penetration was approximately 55 percent.

The authorities monitored Internet traffic. By law the telecommunications monopoly, Beltelekam, and other organizations authorized by the government have the exclusive right to maintain Internet domains.

In 2010 Lukashenka issued an edict that requires registration of service providers and Internet Web sites, establishes restrictions on access to sites containing “extremist activity” (which many activists believed could be interpreted to include government opponents), and requires the collection of information on users at Internet cafes. It requires service providers to store data on the Internet use of individuals for a year and to provide that information to law enforcement agencies upon their request. On January 6, a law went into effect delineating sanctions for violations of the edict.

The edict restricts access to Web sites whose content includes “extremist activities”; materials related to illicit weapons, explosives, and drugs; trafficking in persons; pornography; and the promotion of violence. It requires service providers to eliminate access to these subjects from government offices, educational facilities, and cultural institutions if ordered to do so by the KGB, prosecutor general, the Presidential Administration’s Operation and Analytical Center, or other state agencies. The edict does not block access from private sites such as homes or private companies. According to credible sources, the list, which was not released publicly, contained approximately 80 Web sites, including opposition portals Charter97 and Belarusian Partisan. Internet service providers are required to update the list on a daily basis. Decisions to restrict access to Internet sources may be appealed to the courts.

State companies and organizations, which included the workplaces of 80 percent of the country’s workers, reportedly had Internet filters. In response to the government’s interference and Internet restrictions, many opposition groups and independent newspapers switched to Internet domains operating outside the country. The few remaining independent media sites with domestic “.BY” (Belarus) domain suffixes practiced self-censorship.

On several occasions during the year, especially during the parliamentary elections campaign and on election day, cyberattacks of unknown origin temporarily disabled independent news portals and social networking sites. For example, on July 16, a Web site promoting a boycott of the elections was not accessible for almost the entire day after a second cyberattack in a week. On election day, September 23, a Web site reporting independent election monitoring was also unavailable.

In June 2011 an Internet-organized group known as Revolution through Social Networks created a page on the popular Russian social networking Web site Vkontakte.ru that called for “silent” demonstrations to take place in public spaces around the country. As these protests gained attention and broader public support, Internet users reported being unable to access Vkontakte.ru for several hours before the “silent” protests were to take place. There were also reports of users being redirected to fake mirror Web sites that attempted to collect users’ full names and other personal information. On May 5, Anton Skaryna, an activist of the Revolution through Social Networks group, reported that his Skype and e-mail accounts were hacked, and the online community’s page was the target of a cyberattack. In April police seized computers from two online community activists, one of whom was sentenced to 10 days in jail.

On August 31, a Minsk district court sentenced Pavol Yeutsikhiyeu, a moderator of the online group We Are Fed up with This Lukashenka, to five days in jail. He was arrested and interrogated at his home the day before. The same day another online activist, Andrei Tkachou, the administrator of an anti-Lukashenka online group, was given seven days in jail on minor hooliganism charges. KGB officers also raided the residence of Aleh Shramuk, Yeutsikhiyeu’s associate in Vitsyebsk, detained him, transported him to a police precinct for a lengthy interrogation, and released him without charge the same day.

On the same day police also apprehended 17-year-old Raman Pratasevich, an opposition online activist, took him to a precinct for a four-hour interrogation, and released him later without charge.

The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists during raids and by confiscating computer equipment.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and Belarus under the leadership of Lukashenka. Use of the word “academic” was restricted, and NGOs were prohibited from including the word “academy” in their titles. Opportunities to receive a higher education in the Belarusian language in the majority of fields of

study were scarce. The administrations of higher educational institutions made no effort to accommodate students wishing to study in Belarusian-language classes.

During the year authorities harassed, intimidated, and dismissed teachers and professors on political grounds. For example, in September the administration of the Hrodna state university dismissed history professor Andrei Charniakevich, who coauthored a book about the history of the Hrodna region. While authorities claimed that he repeatedly violated labor laws, his associates linked the dismissal to the book's impartiality. It outlined historical facts prior to the Lukashenka regime and described historical symbols of medieval Belarus, including the white-red-white tricolor, which authorities regarded as an opposition symbol and forbade from public display, but which served as the state flag from 1991 to 1995. In October the university administration dismissed another history professor, Ihar Kuzminich, for his civil society engagement, for posting his works on the traditional tricolor and other historical symbols on his blog, and for speaking out against arbitrary dismissals.

Government-mandated textbooks contained a heavily propagandized version of history and other subjects. All schools, including private institutions, were obligated to follow state directives to inculcate the official ideology and could not be led by opposition members. The education minister has the right to appoint and dismiss the heads of private educational institutions.

The Belarusian Republican Youth Union (BRYU), an official organization based on the Soviet-era Komsomol, urged university students to join the BRYU in order to receive benefits and dormitory rooms. Local authorities also pressured BRYU members to campaign on behalf of government candidates. In addition authorities at times pressured students to act as informants for the country's security services. High school students feared that they would not be allowed to enroll in universities without BRYU membership, and university students reported that proof of BRYU membership often was required to register for popular courses or to receive a dormitory room. Universities also offered BRYU members discounts on tuition. On December 10, at a meeting with BRYU leader Ihar Buzouski, Lukashenka stated that the government would continue to support the union, which served as a good "reserve for personnel" for the KGB, police, and law enforcement agencies.

According to an Education Ministry directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must ensure the proper ideological education of students. During the year at least eight students were expelled for political reasons, compared with 45 or more in 2011.

Some school officials continued to cite poor academic performance or absence from classes as the official reason for the expulsions. In January former political prisoner Uladzimir Yaromenak, convicted of participation in postelection demonstrations in 2010, was expelled from a university in Minsk for his political activity after serving 15 days in jail for staging a protest in December 2011.

The government continued to ban teachers and democratic activists from promoting the wider use of the Belarusian language and the preservation of Belarusian culture. For example, a number of universities across the country announced that they would no longer enroll students in their undergraduate Belarusian linguistic programs for teachers of the Belarusian language and literature, citing low demand and a low number of applications in recent years.

The government also restricted cultural events. During the year the government continued to force opposition theater and music groups out of public venues and into bars and private apartments. Authorities also suppressed unofficial commemorations of historical events. For example, on September 28, local authorities pressured owners of a private art center in Minsk to cancel a concert of prominent singer Lyavon Volski, who was forced to perform at offices of an opposition political party. Earlier, authorities evicted the art center, which gathered popular artists, independent writers, and journalists and hosted cultural events, from its premises in central Minsk. In December it was evicted for the third time. During the year authorities also banned a number of concerts and cultural performances by other prominent musicians and artists, who reportedly remained on the government's blacklists for speaking out in support of political prisoners and opposition or democratic activists.

On December 7 and 8, police disrupted performances of the Belarus Free Theater in Minsk. Police checked the identification of actors and the audience and recorded their names. There were no detentions or charges, but police remained outside the premises during the performances.

The government also restricted the activities of a dissident writers union and extensively supported the progovernment Union of Writers of Belarus. Authorities harassed distributors of books authored by dissident writers or written in the Belarusian language. For example, on July 10, a Minsk district court sentenced distributor Ales Yaudakha to a year of partial house arrest for alleged large-scale illegal business activities and ordered him to pay compensation of 57 million rubles (\$6,700) for supposed illegal proceeds.

In September authorities detained Valer Bulhakau, the former editor in chief of *Arche* magazine, and confiscated more than 5,000 books written in the Belarusian language, allegedly because he did so without obtaining proper registration. Authorities subsequently froze *Arche* magazine's bank accounts, and state-controlled media criticized *Arche* as supporting historical revisionism, extremism, and Nazi propaganda.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons. In practice authorities usually denied requests by independent and opposition groups. Security forces frequently dispersed participants by force, often causing injuries.

Freedom of Assembly: The law criminalizes participation in the activities of unregistered NGOs, training persons to demonstrate, financing public demonstrations, or soliciting foreign assistance “to the detriment” of the country. In 2011 the law was amended to also prohibit announcing demonstrations, including via the Internet or social networks, before they are approved by authorities. Violations are punishable by up to three years in prison.

Authorities employed a variety of means to discourage demonstrations, break them up, minimize their impact, and punish the participants. Organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting, and government officials are required to respond no later than five days prior to the scheduled event. However, authorities generally refused permits to opposition groups or granted permits only for demonstrations held far from city centers. Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and imposed heavy fines or jail sentences on participants in unsanctioned demonstrations.

On many occasions police and other security officials beat and detained demonstrators before, during, and after unsanctioned peaceful demonstrations. Numerous protest participants were detained, fined, and sentenced to periods of up to 15 days in administrative detention. On scores of occasions authorities fined

opposition activists and members of NGOs for participating in unauthorized protests.

On May 7, Tell the Truth campaign activists Andrei Dzmitryeu and Mikhail Pashkevich were sentenced to 10 days in jail each for participating in an April 10 rally held by owners of summer houses located in the Minsk area where authorities planned to construct a Belarusian-Chinese industrial zone. In addition to charging them with participating in an unauthorized rally, police claimed that the activists were discussing establishing an NGO to unite the summer house owners.

Police even suppressed small authorized demonstrations. For example, on October 7, officers prevented independent trade union members from standing on a sidewalk adjacent to a park in Minsk where authorities had already given permission to hold a rally against the government's economic policies. Police forced them to walk deep into the park where their small demonstration was not visible from the street.

In the run-up to September parliamentary elections, authorities banned all demonstrations promoting an election boycott and harassed democratic activists who attempted to rally. For example, on August 22, a Minsk district court fined two opposition activists, Halina Karzhaneuskaya and Ina Loika, 300,000 rubles (\$35) each for such demonstrations in July and August.

Police also used preemptive arrest and detention to prevent democratic activists' participation in protests. For example, authorities took various measures to deter prodemocracy activists from celebrating the March 25 anniversary of the country's 1918 declaration of independence, an event the government does not recognize, although the demonstration was authorized by the Minsk city authorities. On March 23, online social media activists Anastasiya Shuleika and Mikhail Kostka, as well as Malady Front activist Mikalai Dzemidzenka, were sentenced to up to 10 days in jail. Authorities blocked a number of opposition activists in their residences early in the morning, warned many regional opposition activists against traveling to Minsk to participate in the demonstration, or detained them while they were en route to demonstration sites, to prevent them from leading demonstrations.

Authorities rejected all requests to hold legal events commemorating the second anniversary of the December 2010 crackdown on postelection demonstrations and the continued detention of political prisoners. Authorities conducted preventive detentions to block any possible demonstrations. On December 17, former political prisoner and youth activist Pavai Vinahradau received a five-day

detention, while Malady Front member Mikalai Dzemidzenka received the same sentence on December 18.

Freedom of Association

The law provides for freedom of association, but the government restricted it in practice and selectively enforced laws and registration regulations to restrict the operation of independent associations that might be critical of the government.

All NGOs, political parties, and trade unions must receive prior approval from the Ministry of Justice to register. A government commission reviews and approves all registration applications; in practice its decisions were based largely on political and ideological compatibility with the government's authoritarian philosophy. Actual registration procedures required applicants to provide the number and names of founders, along with a physical address in a nonresidential building for an office, an extraordinary burden in view of the tight financial straits of most NGOs and individual property owners' fears of renting space to nonstate groups. Individuals listed as members were vulnerable to retribution. The government's refusal to rent office space to unregistered organizations and the expense of renting private space reportedly forced most organizations to use residential addresses, which could serve as a reason for deregistration.

Following the December 2010 crackdown, authorities sought to close any "legal loopholes" they considered benefited NGOs. For example, in November 2011 authorities enforced amendments to the already strict law on public associations that prohibited NGOs from keeping funds at foreign financial institutions for local activities. The law also prohibited NGOs from facilitating provision of any support or benefits from foreign states to citizens based on their political or religious views or ethnicity, a provision clearly aimed at the Polish minority.

Only registered NGOs can legally accept foreign grants and technical aid. Before accepting such funds, NGOs are required both to register them and receive the approval to accept them from the Department for Humanitarian Affairs of the Presidential Administration.

The government continued to deny registration to NGOs and political parties on a variety of pretexts, including "technical" problems with applications. Authorities frequently harassed and intimidated individuals who identified themselves as founding members of organizations in an effort to induce them to abandon their membership and thus deprive groups of the number of petitioners necessary for

registration. Many of the rejected groups previously had sought and been denied registration on multiple occasions. The government continued deregistering groups during the year. For example, on January 19, Minister of Justice Aleh Slizheuski announced that the ministry denied a registration application by the Belarusian Christian Democracy Party on the grounds that the party allegedly had provided false information about its founders. This was the party's fourth registration attempt. Each time authorities exerted pressure on members to disavow their affiliation with the party, threatening them with dismissal from jobs, expulsion from universities, and criminal prosecution. Party leaders called the refusal politically motivated, biased, and predetermined.

On October 9, a court in Minsk deregistered the NGO Platforma, which monitored prison conditions and defended the rights of prisoners. NGO activists gave a number of press conferences and presented their regular reports on mistreatment and abuses of prisoners in pretrial detention and other holding facilities.

Authorities continued to issue written warnings to NGOs, political parties, and trade unions, as well as their members. For example, on May 16, the Supreme Court upheld a Justice Ministry warning to the NGO Christian Business Initiative. A ministry official stated at the hearing that the NGO failed to provide detailed reports about its activities in 2011, transcripts of NGO members' telephone conversations, and copies of correspondence, which NGO leaders called direct interference in the NGO's operations.

Harassment in the form of inspections by security officials and confiscation of political literature continued.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement, including the right to emigrate. However, the government at times restricted the right of its citizens to foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons of concern.

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

The law also requires persons who travel to areas within 15 miles of the border to obtain an entrance pass.

Foreign Travel: The government maintained a database of persons who were banned from traveling abroad and, at times, used it to prevent travel of opposition politicians and civil society activists. According to the Ministry of Internal Affairs, the list contained the names of at least 130,000 persons who were prohibited from foreign travel, including those who possessed state secrets, faced criminal prosecution or civil suits, or had outstanding financial commitments. Some persons were informed by letter that their names were in the database; others were informed at border crossings. In certain cases opposition activists either were turned away at the border or detained for lengthy searches.

On July 4, Lukashenka issued orders to ban persons under the KGB's special "preventive" surveillance from traveling abroad. Based on results of preliminary criminal investigations or searches, the KGB is authorized to monitor persons whose activities "may threaten the national security of Belarus, inflict damages to state or public interests, rights, freedoms, and legitimate interests of individuals" and "may result in committing subsequent crimes." The Internal Affairs Ministry and security agencies, border and customs services, and financial investigation departments have a right to place persons on "preventive" surveillance lists. For example, on July 19, Andrei Bandarenka, the head of the NGO Platforma, was summoned to the KGB and notified that his name was added to the "preventive" register. He remained on the list at year's end.

During the year authorities prohibited more than 20 democratic and civil society leaders, independent journalists, human rights advocates, and opposition activists from traveling abroad for up to six months. In March Lukashenka accused the opposition of instigating the West to impose travel bans and economic sanctions against his officials and close business associates. The majority of travel ban cases were based on allegations of pending court cases or draft evasion. Although some activists received official notifications from the Ministry of Internal Affairs that

they were not restricted from traveling abroad, they were taken off trains at the border with no further explanation. On March 29, three opposition leaders, Anatol Lyabedzka, Syarhei Kalyakin, and Alyaksandr Atroshchankau, who were earlier placed on travel ban lists, were fined 350,000 rubles (\$41) each in a closed-door trial after police took them off a Moscow-bound train and detained them for two days, preventing them from traveling from Moscow to Brussels. A judge turned down Atroshchankau's request for a lawyer.

On April 6, traffic police stopped Alyaksei Pikulik, the academic director of the nonpartisan Belarusian Institute of Strategic Studies, searched his car, and confiscated his documents and a laptop computer. Police refused to return his passport for at least two months, preventing him from traveling to various conferences.

Authorities delayed hearing a number of appeals of travel bans until May-August. On June 22, a Minsk district court turned down an appeal by human rights advocate Harry Pahanyaila that challenged a travel ban against him and held officials liable for violating his freedom of movement. Senior interior ministry official Alyaksei Byahun apologized for his "erroneous" inclusion on travel ban lists and testified that Pahanyaila's name was removed from the list. Other democratic activists were free to travel abroad before year's end.

A presidential decree that requires any student who wishes to study abroad to obtain permission from the minister of education was amended on July 25. Heads of educational institutions are required to issue such permission to their students. The decree, ostensibly intended to counter trafficking in persons, still requires the Ministry of Internal Affairs to track citizens working abroad and obliges employment agencies to report individuals who do not return from abroad as scheduled.

Exile: The law does not allow forced exile, but sources asserted that security forces continued to threaten some opposition members with bodily harm or prosecution if they did not leave the country, and many were in self-imposed exile. For example, 2010 presidential candidate Andrei Sannikau left the country during the year, as did his top aide, Dzmitry Bandarenka. Khimiya is permitted for persons convicted of crimes, and authorities employed it during the year.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Since 2006 more than 650 students have left the country to continue their studies at foreign universities.

After Lukashenka pardoned political prisoners Fyodar Mirzayanau and Illya Vasilevich in September 2011, they left the country to study in Poland. Both were previously expelled from universities in Minsk and sentenced to three years in prison for participating in postelection demonstrations. In February the Belarus State University expelled Nasta Shuleika, one of the online organizers of 2011 “silent” protests and a student in the journalism department. In a similar case in February, Malady Front activist Mikhail Muski was expelled from the Belarus National Technical University for alleged poor attendance and his political activism.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

While all foreigners have the right to apply for asylum, authorities did not grant Russian nationals either refugee status or complementary protection in the country. Under the terms of the Union Treaty with Russia, Russians can legally settle and obtain residence permits in the country based on their Russian citizenship and therefore do not need asylum. Nevertheless, immigration authorities accepted three asylum applications from Russian citizens during the year, one of which was withdrawn by the applicant.

Refoulement: In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugee Abuse: Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to authorities while their applications are being considered, including during an appeals procedure. Authorities reportedly often encouraged asylum seekers to settle in rural areas. Change of residence was possible only with notification to authorities. Authorities issue registered asylum seekers certificates that serve as identification documents and protect them from expulsion. In accordance with the law, they also must register with local authorities of their place of residence to obtain identity documents.

Temporary Protection: Although the government in the past provided temporary protection to individuals who may not qualify as refugees, it did not do so during the year.

In addition to refugee status, the country's asylum law provides for complementary protection and protection against refoulement (in the form of temporary residence for a one-year term). During the year at least one person applied for extension of complementary protection, which was granted, and five persons were able to extend protection against refoulement for one year.

Stateless Persons

As of January 1, the UNHCR listed 6,969 stateless persons in the country, of whom 6,559 had permanent residence, 292 held temporary residence permits valid up to three months, and 118 held temporary residence permits valid up to one year.

Permanently resident stateless persons held residence permits and were treated comparably to citizens in terms of access to employment, with the exception of a limited number of positions in the public sector that were available only to citizens. However, stateless persons faced de facto discrimination in employment, since authorities often required them to settle in rural areas where the range of employment opportunities was limited and prohibited them from seeking jobs outside of those regions. In practice stateless persons could not change their region of residence.

According to official statistics, approximately half of the stateless population resided in rural areas, i.e., areas that were outside the capital and the administrative centers of regions/oblasts and districts. According to a social survey of stateless persons conducted by the UNHCR office in 2011, approximately 17 percent of the stateless population were in Belarus before 1991 and became stateless after dissolution of Soviet Union. Approximately 65 percent arrived in 1992-2000 and only 19 percent after 2001.

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

The law provides the right for citizens to change their government peacefully; however, in practice the government has consistently denied citizens this right.

Since his election in 1994 to a four-year term as the country's first president, Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the branches. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent presidential elections, including the one held in 2010, continued to deny citizens the right to express their will to choose among opposing candidates in an honest and transparent process with fair access to independent media and resources.

Elections and Political Participation

Recent Elections: The 2010 presidential election was marred by numerous violations of procedures and an absence of transparency and accountability that led the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observer mission to report that the country still had “a considerable way to go in meeting its international commitments.” OSCE/ODIHR observers assessed the vote count as “bad or very bad in almost half of all observed polling stations,” with clear instances of ballot stuffing and tampering. Although opposition candidates enjoyed somewhat greater freedom to enter the race and promote their candidacies than in earlier elections, preelection campaigning remained extremely limited, and government harassment of independent newspapers, opposition political parties, and independent NGOs throughout the year limited the opposition's ability to mount effective campaigns.

According to the OSCE/ODIHR mission, broadcasters nationwide devoted 90 percent of their political coverage to Lukashenka, and coverage of opposition candidates was overwhelmingly negative. Despite a nominal increase in opposition representation, authorities continued to exclude opposition representatives from election commissions at all levels. The majority of observers at local polling places appeared to be from government-sponsored NGOs; many of them received instructions in advance to report to foreign observers that the proceedings were “in order” or to harass independent observers.

However, the most serious violations took place after the polls closed, when, as the OSCE/ODIHR mission observed, the situation “deteriorated significantly.” In many instances international observers reported that counting was conducted silently and at a sufficient distance as to make evaluation of the count impossible. There were a number of reports that vote totals changed as the ballot boxes were transported between local precincts and the territorial election commission offices.

No genuinely independent organizations were permitted to conduct exit polls, but in the opinion of the independent NGO For Fair Elections, which monitored 250 polling stations across the country, Lukashenka failed to gain the 50 percent of the vote necessary to avoid a runoff. The official results gave him 79.65 percent of the vote against nine other candidates.

Elections for seats in the lower house of the national assembly were held on September 23. The final report by the OSCE/ODIHR mission stated that the elections fell significantly short of international standards for democratic elections and that shortcomings encountered in the 2010 elections were repeated. The report stated that, despite some improvements to the electoral law, many OSCE commitments, including citizens' rights to associate, to run as candidates, and to express themselves freely, were not respected. The elections also were not administered in an impartial manner, especially regarding the composition of election commissions; an honest vote count could not be guaranteed; and the complaints and appeals process did not guarantee effective remedy.

Political Parties: Authorities routinely harassed and impeded the activities of independent political parties and activists. Some opposition parties lacked legal status, since authorities refused to register them, and the government routinely interfered with the right to organize, run for election, seek votes, and publicize views. Approximately half a dozen largely inactive but pro-Lukashenka political parties were allowed to operate freely, even though they appeared to be little more than fig leaves for a system that had de facto excluded party politics.

The law allows authorities to suspend parties for six months after one warning and close them after two. During the year political parties did not receive any formal "warnings" for minor offenses. However, members of unregistered parties such as the Belarus Christian Democracy Party continued to be subjected to harassment and arbitrary checks. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

Authorities continued to harass the unrecognized UPB and its members.

Participation of Women and Minorities: There were no laws preventing women or minorities from voting or participating in political life on the same basis as men or nonminority citizens.

In the lower house of the national assembly, women held 29 of the 109 seats. In the upper house, women held 20 of the 58 seats. Of the 24 ministries in the government, one was led by a woman. The National Bank and the Central Election Committee also were headed by women. Data on the participation of members of minorities in government was not available.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, reports indicated that officials continued to engage in corrupt practices. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem in the country. According to official sources, the majority of the corruption cases involved soliciting and accepting bribes, fraud, and abuse of power. On October 8, Lukashenka criticized prosecutors for failing to step up "the fight against corruption" that should be "more active."

The absence of an independent judicial system and law enforcement, separation of powers, and an independent press made it virtually impossible to gauge the scale of corruption or combat it effectively.

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

Authorities reported registering 1,779 corruption crimes during the year, down 26.4 percent from 2011. Among these, bribery accounted for 933 cases, abuse of office or authority for 224 cases, and embezzlement through abuse of office for 546 cases. The number of persons convicted for these offenses declined 15 percent from 2011 to 1,151. The highest corruption rates were registered in the industrial, education, agricultural, healthcare, and construction sectors. According to prosecutors, an average bribe was \$300, paid in U.S. currency, and the highest bribe was \$500,000.

During the year officials of agencies responsible for maintaining state security, including financial intelligence, the Defense Ministry, and customs and border agencies, committed 116 corruption-related crimes, down from 252 crimes in 2010, or 4.8 percent of all corruption-related crimes. The Military Prosecutor's Office investigated and filed in court 11 cases of corruption and reimbursed more

than 60 million rubles (\$7,018) in damages resulting from corruption during the year.

There were numerous corruption prosecutions during the year; however, prosecutions remained selective, nontransparent, and appeared in some cases politically motivated. For example, on September 6, a court in Minsk sentenced the former deputy of a regional governor to seven years in prison on charges of accepting a large bribe. His accomplice received five years in prison.

The law, government policies, and a presidential decree severely restricted public access to government information. Citizens had some access to certain categories of information on government databases and Web sites; however, much of the information was neither up-to-date nor complete.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were a number of active domestic human rights NGOs; however, authorities were often hostile to their efforts, did not cooperate with them, and were not responsive to their views.

Three prominent human rights NGOs, the BHC, the Center for Human Rights, and the Center for Legal Transformations, remained registered. The government refused to register numerous NGOs, thus placing them at risk under the criminal code, which criminalizes organizing or participating in any activity by an unregistered organization. The law also prohibits persons from acting on behalf of unregistered NGOs. A variety of unregistered NGOs, including Vyasna, the “Solidarity” Committee for the Protection of the Repressed, the Human Rights Alliance, Legal Assistance to the Population, Platforma, and For Religious Freedom, continued to operate in spite of systematic harassment from authorities.

Authorities harassed both registered and unregistered NGOs, subjected them to frequent inspections and threats of deregistration, and monitored their correspondence and telephone conversations. Authorities harassed family members of NGO leaders and civil society activists. The government ignored reports issued by human rights NGOs and rarely met with them. State-run media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subject to closure and harassment.

Authorities can close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what is considered illegal forms of foreign assistance and permits the Ministry of Justice to participate in any NGO activity and to review all NGO documents. NGOs also must submit detailed reports annually to the ministry about their activities, office locations, officers, and total numbers of members.

A presidential order in 2008 increased rent tenfold for most NGOs. Prior to the order NGOs paid one euro (\$1.32) per square foot of office space, compared with 10 euros (\$13) charged to commercial groups. While some groups, including youth sports groups, charity organizations, and children's arts centers, continued to pay rent at the one euro rate, independent NGOs were required to pay the higher rate. Some NGOs were forced to close or move because of the higher rents. In 2010, a senior state property committee member stated that, to be eligible for discounted rent rates, an NGO must actively support the government's policies.

On November 26, the unregistered human rights NGO Vyasna was forced to abandon its office of 12 years, which was confiscated as part of the sentence against its imprisoned leader, Ales Byalyatski. The group used Byalyatski's apartment as an office because it was not able to rent property without being registered. During the year the BHC's accounts remained blocked due to two written warnings based on tax arrears and to a complaint it sent to the UN regarding the regime's repression of lawyers. In 2008 the Supreme Court allowed the Ministry of Justice to withdraw a petition to suspend the BHC's activities. However, the NGO's bank accounts remained blocked, and alleged tax arrears were unresolved.

The KGB continued to harass NGO and political party members and activists by planting defamatory articles or information about them in the media. For example, in November 2011 Vyasna's leader, Ales Byalyatski, was convicted of politically motivated charges of large-scale concealment of income and tax evasion and sentenced to four-and-a-half years in prison. State media continued to broadcast and print derogatory materials about him and Vyasna, accusing him of stealing funds from donors and identifying him as "a criminal."

Authorities were reluctant to engage on human rights problems with international NGOs and other human rights officials, and international NGO representatives often had difficulty gaining admission to the country. For example, in February

authorities denied entry to Germany's human rights commissioner, Markus Loening, who intended to meet with families of political prisoners, opposition activists, and government representatives. The foreign ministry stated that Loening's "contribution" to the development of Belarus-German relations was "not positive."

Authorities routinely ignored local and international NGOs' recommendations on how to improve the human rights situation in the country and their requests to stop harassing the NGO community.

UN and Other International Bodies: In 2010 a foreign ministry spokesman announced that there were "no objective reasons" for extending the mandate of the OSCE office in Minsk, despite the fact that the mandate of the office had not been fulfilled and notwithstanding calls by the EU and others to extend the mandate. The office had operated since 2003 with a mandate to assist the country in the area of rule of law and with economic and environmental matters. The regime terminated a previous OSCE office with a broader mandate in 2001. The government claimed that the OSCE mandate "has been fulfilled" and pointed to the earlier closure of OSCE missions in neighboring countries. On October 4, the foreign ministry spokesperson reiterated that "time has convincingly proved the correctness of our position [on closure]" and interpreted the closure of the OSCE mission as a way to "optimize" expenditures of the OSCE.

In September the UN Human Rights Council appointed Miklos Haraszti as the special rapporteur on the human rights situation in Belarus. Authorities stated that they would refuse any cooperation with the special rapporteur's mission, and consequently he was not able to travel to the country.

Government Human Rights Bodies: A standing commission on human rights in the lower chamber of parliament was ineffective.

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

The law prohibits discrimination based on race, gender, language, or social status. The law does not specifically prohibit discrimination against persons with disabilities in several key areas. In practice the government did not always enforce these prohibitions. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual, and transgender (LGBT) community.

Women

Rape and Domestic Violence: The law criminalizes rape in general but does not include separate provisions on marital rape. Rape was a problem. However, most women did not report it due to shame or fear that police would blame the victim. According to the Ministry of Internal Affairs, there were 68 registered cases of rape in January-September, down 32.7 percent compared with the same period in 2011.

Domestic violence, including spousal abuse against women, was a significant problem. In February 2011 the Office of the UN High Commissioner for Human Rights raised grave concerns about the persistence of violence against women, in particular domestic and sexual violence, its underreporting, the lack of prosecution of violence within the family, the fact that rape was subject to private rather than official prosecution, and the lack of shelters for victims of domestic violence. State-run district centers for social services across the country ran 47 “crisis” rooms for victims, including domestic violence victims, and two more shelters for victims of domestic violence located at a monastery and run by an NGO.

The criminal code does not contain a separate article dealing with domestic violence. According to a study released by the Belarus State University’s Center for Sociological and Political Research in March 2010, four out of five women between the ages of 18 and 60 claimed that they were subjected to psychological violence in their families. One in four women suffered from physical violence, and 13 percent of women reported that their partners sexually abused them. Women remained reluctant to report domestic violence due to fear of reprisal and social stigma and due to fear that, if the aggressor were fined, the financial burden would fall on the family. According to the study, only 6 percent of male and 46 percent of female victims of domestic violence sought professional assistance. NGOs operated crisis shelters, primarily in Minsk, but they were poorly funded and received only limited support from the government. Government efforts to combat gender-based violence were mainly directed at preventing such crimes and not at protecting or assisting victims, although “crisis” rooms provided limited psychological and medical assistance to victims. Authorities did not tackle the root causes of violence, including alcoholism, social stigma, and gender-based stereotypes.

From January through October, authorities registered 1,502 domestic crimes, including 88 cases of premeditated murder, 219 cases of deliberately inflicting grave bodily injury, and 234 cases of torture.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: The law provides for equal treatment of women with regard to property ownership and inheritance, family law, and the judicial system, and it was generally respected in practice. The law also requires equal wages for equal work, although this provision was not always enforced.

The National Statistics Committee reported that, as of December 1, 48.2 percent of the unemployed were women, compared with 62.8 percent in December 2011. The committee also noted that on average men found new employment in one month, while women searched for more than two months. Women also accounted for two-thirds of all officially unemployed persons seeking a job for more than a year.

Very few women were in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Women's groups also voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

The law grants women the right to three years of maternity leave with assurance of job availability upon return. However, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant. A number of women worked in extreme and hazardous conditions.

Children

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

Education: There continued to be isolated reports that non-Romani children and teachers subjected Romani children to harassment. The majority of Romani youth did not finish secondary school and failed to enroll in university programs, although the situation improved as more Romani children from mixed families enrolled and obtained bachelor degrees, including in the regions. There were no special school programs for Roma, although there were such programs for Jews, ethnic Lithuanians, and Poles.

Child Abuse: Rape or sexual assault of a person known to be a minor is punishable by up to 15 years in jail. Sexual acts between a person older than 18 years of age and a person known to be younger than age 16 carry penalties of up to five years in jail. According to NGOs that assist child abuse victims, authorities reported approximately 238 criminal cases during the year in which children were victims of various forms of sexual abuse and molestation, including rape. The Education Ministry reported on emotional and physical abuse against children that did not require forensic investigations. According to the most recent statistics available, in 2006 approximately 10 percent of children between the ages of 10 and 17 were victims of psychological abuse in their families, and 4.5 percent were victims of physical abuse.

Child Marriage: The legal minimum age of marriage for both boys and girls is 18, although girls as young as 14 can be married legally with parental consent. There were reports of child marriage during the year where girls as young as 14 and boys as young as 16 were married with parental consent. The government registered 904 marriages involving children in 2011, up from 856 in 2010. In the majority of these cases, children were married with parental consent.

Sexual Exploitation of Children: The minimum age of consensual sex is 16. Prostitution of children was a problem. According to data from the Ministry of Internal Affairs, 44 minors became victims of trafficking-related crimes for sexual exploitation in the January to September period. The law provides penalties of up to 13 years in jail for production or distribution of pornographic materials depicting a minor. The law generally was enforced in practice. The ministry reportedly registered 40 criminal cases in connection with the production and

distribution of child pornography, including 34 cases of distribution on the Internet during the year.

Institutionalized Children: There was no system for monitoring child abuse in orphanages or other specialized institutions. Authorities did not report on any child abuse incidents.

In 2007-08 the Education Ministry and UNICEF conducted a national survey to assess the child abuse situation in the country. According to the ministry, 20 percent of institutionalized children 10 to 17 years of age reported psychological abuse by family members, and 22 percent reported that they were victims of physical abuse. Independent observers suggested that the numbers were likely to be higher, since approximately 30 percent of children refused to answer this question.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction but has no agreement with the United States.

Anti-Semitism

Jewish groups estimated that between 30,000 and 40,000 persons identified themselves as Jews. Most were not active religiously.

Anti-Semitic incidents continued but were on the decline, and authorities sporadically investigated reports of such acts. Religious sites were vandalized. For example, on June 4, a Jewish community in Mahilyou reported an attack by vandals on a Holocaust memorial at the site of the former Jewish ghetto in the city. Most of the memorial was covered with brown paint. No suspects were apprehended.

The government did not promote antibias and tolerance education. Jewish community and civil society activists expressed concern over the concept of a “greater Slavic union” that was popular among nationalist organizations, including the neo-Nazi group Russian National Unity, which remained active despite its official dissolution in 2000. Neo-Nazis were widely believed to be behind anti-Semitic incidents across the country. Anti-Semitic and Russian ultranationalist newspapers, literature, DVDs, and videotapes imported from Russia were sold.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, and other government services, and discrimination was common in practice.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities, who accounted for more than half a million persons. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and their places of residence were not built to accommodate wheelchair users. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations disputed this figure.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that 80 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities, and calculations of pensions did not take disability status into account. Members of the country's Paralympic teams received half the salaries and prize money of athletes without disabilities.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 70 such institutions existed across the country. Disability rights organizations reported that the quality of care in these facilities was low, and instances of mistreatment and abuse were reported. Persons with physical disabilities and persons with mental disabilities frequently were mixed within facilities and not provided specialized care. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. According to government statistics, 2 percent of the country's public transportation network was accessible.

Disability rights organizations reported difficulty organizing advocacy activities due to impediments to freedom of assembly, censorship of materials, and the government's unwillingness to register assistance projects.

Advocates also noted that persons with disabilities, especially those who were visually and hearing impaired, lacked the ability to address violations of their rights easily and completely since courts often failed to provide special equipment and sign-language translation.

National/Racial/Ethnic Minorities

Governmental and societal discrimination against ethnic Poles and Roma persisted. There were also expressions of societal hostility toward proponents of Belarusian national culture, which the government often identified with actors of the democratic opposition, repeatedly labeled by Lukashenka as "the fifth column."

Authorities continued to harass the independent and unregistered UPB. For example, on June 1, a Hrodna court sentenced Ihar Bantsar, one of the UPB's leaders, to 13 days in jail for resisting police officers and participating in an unsanctioned protest against the intended introduction of Russian-language classes at a school largely attended by ethnic Poles. Police reportedly beat Bantsar before his detention. On June 7, authorities fined three UPB activists up to five million rubles (\$585) for participating in the same unsanctioned protest in Hrodna. Of the 20 activists detained at the protest, authorities fined at least 13.

Official and societal discrimination continued against the country's 10,000 to 20,000 Roma. The Romani community continued to experience high unemployment and low levels of education. Authorities estimated the unemployment rate among Roma to be as high as 80 percent, according to the latest available information. Roma often were denied access to higher education in state-run universities.

While the Russian and Belarusian languages have equal legal status, in practice Russian was the primary language used by the government. According to independent polling, the overwhelming majority of the population spoke Russian as its mother tongue. Because the government viewed proponents of the Belarusian language as political opponents of the regime, authorities continued to harass and intimidate academic and cultural groups that sought to promote use of

the Belarusian language. Proposals to widen use of the language were routinely rejected.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred.

Authorities routinely denied LGBT groups permission to hold public events, including a pride parade. On April 6, Minsk city authorities rejected a request from the human rights GayBelarus initiative to hold a seven-person picket to raise awareness about the LGBT rights at a remote district in Minsk on April 9. In early May authorities denied the LGBT community three applications to hold demonstrations to mark the International Day against Homophobia and Transphobia in Minsk.

In December 2011, authorities denied a registration application by a gay rights group, Alternative Plus Human Rights Center, citing minor errors in information on its founders, such as a misspelled name and an incorrect birth date. Societal discrimination against LGBT activists persisted.

In March Lukashenka criticized EU politicians and, in an apparent reference to German Foreign Minister Guido Westerwelle, stated that “it was better to be a dictator than gay.” In October 2011 Lukashenka noted that he regretted having told the German Foreign Minister that “he had to lead a normal life,” presumably at a closed meeting in 2010, but criticized homosexual conduct. Earlier, he had stated that he did not understand how two men could live together and would exile gay men to collective farms “with great pleasure.”

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy stigma. The Joint UN Program on HIV/AIDS office reported that there were numerous reports of HIV-infected individuals who faced discrimination, especially at workplaces and during job interviews.

According to a UN Fund for Population Activities study released in February 2011, 30.8 percent of surveyed doctors indicated their reluctance to work with HIV-positive persons. Only 8.1 percent expressed a positive attitude towards HIV-

infected patients. More than 16 percent of doctors reported that they lacked knowledge for treating such patients efficiently.

During the year, a number of NGOs representing HIV-infected persons continued to express serious concerns about a discriminatory 2011 law aimed at preventing the spread of the virus and other dangerous and primarily communicable diseases. The law was adopted by the government despite numerous NGO appeals and petitions to recall or amend it. According to a UN Development Program expert, the law risks stigmatizing HIV-infected persons and forcing them “underground.” The law extended the list of grounds for mandatory HIV testing and requires HIV-positive persons to inform all their former partners of their status. According to rights advocates, the law risks further stigmatizing not only HIV-infected persons but also their families, breaching their privacy and medical secrecy, and turning them away from state-run medical and social institutions.

Although the government adopted a national program for combating HIV in 2011-15, which for the first time prescribes funds to procure imported antiretroviral treatment for HIV-infected persons, a near three-fold devaluation of the country’s currency in 2011 significantly reduced the effective purchasing power of the resources committed to this effort. The government continued to broadcast and post public service advertisements raising awareness about HIV/AIDS and calling for greater tolerance towards persons infected with the virus.

There were also frequent reports of family discrimination against HIV-positive members of households. This included preventing HIV-positive parents from seeing their children, or requiring HIV-positive family members to use separate dishware.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although the law protects the rights of workers, except state security and military personnel, to form and join independent unions and to strike, it places a number of restrictions on these rights. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination.

In practice the government has completely co-opted the trade union confederation that represented nearly all workers and that largely resembled its Soviet-era predecessors. A small independent trade union federation representing

approximately 10,000 workers existed, but tight government control over registration requirements and public demonstrations made it difficult for the federation to organize and strike. Prohibitively high union registration requirements that a new union to have a high number of members and cooperation from the employer present significant obstacles to union formation. State control reportedly increased as a result of the continuing economic crisis, and authorities fiercely resisted attempts by workers to leave the official union and join the independent one.

Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal. The legal requirements to conduct a strike are high. For example, strikes can only be held at least three months after dispute settlement between the union and employer has failed. In addition a minimum number of workers must continue to work during the strike. In practice these requirements were largely irrelevant, since the unions that represented almost all workers were under government control. Government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements. Union members who participated in public demonstrations were subject to arrest and detention.

In practice the government barely tolerated independent unions. The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union, claiming an estimated four million members; however, that number likely was inflated, since the country's total workforce was approximately four million. The Belarusian Congress of Democratic Trade Unions (BCDTU), with four constituent unions and approximately 10,000 members of independent trade unions, was the largest independent union umbrella organization.

The International Trade Union Confederation's *Annual Survey of Violations of Trade Union Rights* for 2012 noted that in November 2011 authorities adopted amendments to the Law on Mass Activities that seriously limited demonstrations, rallies, and other public action, constraining the right of unions to organize and strike.

During the year the government continued efforts to suppress independent unions, stop union activities, and bring all union activity fully under its control. Its efforts included frequent refusals to extend employment contracts for members of independent unions and refusals to register independent unions. According to BCDTU leader Alyaksandr Yarashuk, no independent unions have been

established since a 1999 decree requiring trade unions to register with the government. Workers who were deemed “natural leaders” or who involved themselves in NGOs or opposition political activities were routinely fired for these activities.

Local authorities continued to deny multiple registration applications by the Vitsyebsk, Mahilyou, and Homyel chapters of the Belarusian Union of Electronic Industry Workers (REP). According to the REP, authorities refused to reregister the chapter in Mahilyou because the REP office proprietor had not agreed to register the office as its legal address due to harassment from officials. In 2009 a court in Mahilyou upheld the registration denial. Further attempts to reregister in Mahilyou also were denied. The REP did not file registration applications for its chapters in Vitsyebsk, Mahilyou, and Homyel during the year.

On February 15, the Prosecutor General’s Office questioned Alyaksandr Yarashuk for three hours and threatened to hold him criminally liable for his calls for the EU to halt purchases of Belarusian goods until authorities stopped harassing independent trade unions.

In a similar case, on May 22, a district court in Minsk ordered opposition activist Viktor Ivashkevich to pay 500,000 rubles (\$58) in moral damages to an employee of the state-run Mazyr-based oil refinery for his calls for the EU to ban import of petroleum products produced in the country. Ivashkevich also was ordered to recant his statements publicly. In July one of the 2010 presidential candidates, Dzmitry Us, was convicted on similar charges and ordered to pay two million rubles (\$234) in compensation to a worker of the state-owned chemical company Hrodna Azot. In both cases, employees of state-run companies and state-supported trade unions complained that such appeals damaged morale, threatened worsening the economic situation in the country, and were detrimental to the country’s image.

During the year the management of the mining company Hranit in the town of Mikashevichy refused to provide an office to its workers seeking to establish a local chapter of the Belarusian Independent Trade Union (BITU) at the enterprise. In December 2011 more than 200 employees of the Hranit factory quit the state-run chapter of the FTUB in protest of low wages and mistreatment of workers by the FTUB. Management pressured a number of workers to reapply for their FTUB membership.

On April 11, a district court turned down an appeal from Aleh Stakhaevich, leader of the local BITU chapter, to challenge his dismissal from Hranit. In January road

police charged Stakhaevich with violating traffic rules and suspended his driver's license. Hranit denied him an opportunity for retraining and dismissed him from his job as a drilling machine assistant operator in February. A number of other independent trade union activists were dismissed as well and more faced dismissals at the year's end.

On May 29, Leanid Kozik, head of the FTUB, refuted reports by independent trade unions that 600 employees of Hranit withdrew their membership from the FTUB chapter, stating that only 34 workers did so. Credible sources reported that at least 200 employees continued to seek establishment of an independent trade union chapter at the enterprise at year's end.

In August more than 650 employees of the Babruisk-based Tractor Components and Units Plant signed a petition in support of a local chapter of the Belarusian Free Trade Union at the enterprise. Workers appealed to management to stop harassing and interfering in the operations of the chapter. Mikhail Kavalkou, leader of the local chapter, was arbitrarily denied access to the factory, and the chapter was evicted from its office on the factory premises in July after Kavalkou and his associates demanded a 100 percent increase in wages in late 2011. The management raised wages by 45 percent.

After suppressing earlier walk-outs and protests of low wages at the Hranit factory, in September the factory's management reportedly reduced wages that were raised two-fold after protests in June.

On September 14, the Polatsk-based winery stopped operations for one day due to a workers' strike in protest of low wages. The management dismissed two leaders of the strike on far-fetched pretexts, but an appeals court ordered their reinstatement before year's end.

On November 30, a district court in Mahilyou rejected an appeal from mason and REP activist Alyaksei Paulouski to challenge his dismissal from a local road construction and maintenance facility and reimburse wages for the period of his forced leave. The judge based the refusal on a written statement from the facility's director and a state-run trade union chapter that Paulouski's former colleagues were against his employment. A number of other companies refused to hire Paulouski during the year due to his membership in the REP.

Authorities and state-run enterprises continued to pressure independent trade unions and deny their right to sign collective bargaining agreements. For example,

after a year of three-party negotiations, on January 28, the state-run oil refinery Naftan signed an agreement with the state-controlled trade union of chemical industry workers, leaving out the BITU, a member of the BCDTU. The management of Naftan refused to sign a separate agreement with the chapter of the BITU.

The government requires state employees, who constitute approximately 80 percent of the workforce, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one year, which gave the government the ability to fire employees by declining to renew their contracts. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice. A government edict provides the possibility for employers to sign open-ended work contracts after five years of good conduct. The edict limits the right of employers to approve open-ended contracts earlier than five years after the service computation date. The provision does not apply to state employees and other categories of workers who remained subject to mandatory contracts.

b. Prohibition of Forced or Compulsory Labor

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

During the year the government approved “subbotniks,” which required employees of the government, state enterprises, and many private businesses to work on Saturday and donate their earnings to finance government social and other projects, for example, construction of the Great Patriotic War museum. In April authorities reported that more than three million persons participated in a subbotnik, cleaning streets or performing their regular work duties across the country. In October the government organized a subbotnik to refurbish yards, fix roads, and prepare residential houses for the winter. Employers and authorities subjected workers who refused to participate to fines and intimidation.

There were reports that authorities forced military conscripts to perform work that was unrelated to their military service. Credible sources also reported labor practices amounting to forced labor in prisons. Former inmates stated that their monthly wages were as low as 5,000 rubles (\$0.58). Authorities also continued to employ unpaid agricultural labor and sent university and high school students to help farms during the harvesting season.

On December 7, Lukashenka signed a decree that prohibited workers in state-run wood processing factories and subcontracted construction companies from quitting their jobs without prior permission of their managers while state-subsidized upgrades of the factories were being implemented. The decree obliges factories and subcontractors, which employed approximately 18,000 persons, to pay monthly allowances to their workers in addition to their regular salaries, which they would be forced to pay back if they quit their job without management approval or were fired. If they have no means to repay or are unemployed, workers would be forced to return to their previous workplaces and repay allowances from their regular salaries. In addition, all subcontractors would be charged and fined if they failed to implement their projects on time. An employee who disagreed with the employer's decision could appeal directly to the governor of the region; however, the decree did not specify how governors should act on such appeals.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

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

The government generally enforced these laws in practice. However, there were reports that some children were forced to work. For example, schoolchildren were induced to help local collective farms with the harvest in September and October.

d. Acceptable Conditions of Work

As of December 1, the national minimum monthly wage was 1,171,610 rubles (\$137). As of December 1, the average monthly wage was 4,244,270 rubles (\$496). As of November 1, the government set the poverty line at 880,030 rubles (\$103) a month per capita.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic

situation, many workers worked considerably fewer than 40 hours per week, and factories often required workers to take unpaid furloughs due to lack of demand for the factories' products. The law provides for mandatory overtime and holiday pay and restricts overtime to 10 hours a week, with a maximum of 180 hours of overtime each year.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these standards. Workers at many heavy machinery plants did not wear minimal safety gear. The state labor inspectorate lacked authority to enforce employer compliance and often ignored violations. The government reported that approximately 400,000 persons worked in the informal economy. Informal workers were not covered by legal workplace standards.

As of December 1, the Ministry of Labor and Social Protection reported 163 workplace fatalities, down from 186 during the same period in 2011. The ministry reported that the majority of workplace accidents occurred in the construction industry and were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. The law does not provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.