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Belarus

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Capital: Minsk
Population: 9.5 million
GNI/capita, PPP: US\$16,940

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	7.00	7.00	7.00	7.00	6.75	6.75	7.00	7.00	7.00	7.00
Civil Society	6.75	6.75	6.50	6.50	6.25	6.00	6.00	6.25	6.50	6.50
Independent Media	6.75	6.75	6.75	6.75	6.75	6.50	6.75	6.75	6.75	6.75
National Democratic Governance	6.75	7.00	7.00	7.00	6.75	6.75	6.75	6.75	6.75	6.75
Local Democratic Governance	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Judicial Framework and Independence	6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00	7.00	7.00
Corruption	6.00	6.25	6.25	6.25	6.00	6.00	6.00	6.25	6.25	6.25
Democracy Score	6.64	6.71	6.68	6.71	6.57	6.50	6.57	6.68	6.71	6.71

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

President Alyaksandr Lukashenka, in power since 1994, continues to preside over an authoritarian system that crushes political dissent while offering citizens an increasingly unstable standard of living. External rents, mostly from Russia, come in the form of oil and gas subsidies as well as regional customs agreements and support in deterring international pressure for democratic reform.

The two decades of Lukashenka's rule have seen several brief intervals of mild political liberalization as the ruling elite courted economic opportunities in the West, particularly when the flow of rents from Russia appeared to be in jeopardy. The last of these thaws ended abruptly with a police crackdown on protesters after deeply flawed presidential elections in December 2010. For the next two years, the regime put heavy and sustained pressure on civil society actors and the already fragmented political opposition, driving most dissenting voices deep underground.

Ongoing economic woes prompted a few attempts to create the appearance of liberalization during the year, but, as usual, these did not include systematic or lasting improvements in the sphere of political rights or civil liberties. European Union (EU) sanctions against key Belarusian regime figures continued.

National Democratic Governance. The defining features of President Lukashenka's autocratic regime remained constant during the year, with no genuine breakthrough in political liberalization. Faced with severe economic problems, the regime made new attempts to coax support out of Western governments in 2013, releasing a few political prisoners. Plans to implement technical regulations required by the Eurasian Customs Union triggered a major strike by Belarusian retailers in June. *Belarus's national democratic governance rating remains unchanged at 6.75*

Electoral Process. Elections in Belarus are largely an administrative formality conducted to validate the selection of progovernment candidates. In preparation for elections in 2014 and the 2015, the parliament adopted a number of controversial amendments to the Law on Elections and Referendums in Belarus. With virtually no space for legitimate competition between political actors or groups, *Belarus's electoral processes rating remains unchanged at 7.00.*

Civil Society. After an aggressive two-year campaign against civil society activists following the December 2010 presidential elections and protests, the year 2013 witnessed fewer government reprisals against perceived regime threats. However, there were no concrete improvements in the environment for civil society activity, nor did the reduction in arrests prompt a resurgence in political activism. At year's end, 11

political prisoners remained in custody, including Ales Bialiatski, the leader of the Viasna Human Rights Center. *Belarus's civil society rating remains unchanged at 6.50.*

Independent Media. The regime continued its systematic suppression of media freedom in 2013. Internet penetration has increased, and the government has responded by restricting and monitoring use of the medium, particularly as the influence of social media among younger Belarusians grows. Independent news websites and social-networking platforms were subject to cyberattacks from unknown sources on several occasions during 2013. In an apparent effort to improve relations with its European neighbors, the government released several prominent journalists and political prisoners during the year. *Belarus's independent media rating remains unchanged at 6.75.*

Local Democratic Governance. Civic groups at the local level commonly eschew political agendas and try to engage the authorities in non-political issues of local importance. In 2013, economic pressures prompted President Lukashenka to delegate more powers from the central to the local level of government. *Belarus's local democratic governance rating remains unchanged at 6.75.*

Judicial Framework and Independence. Due to the absence of checks and balances in the Belarusian political system, the judicial branch lacks any genuine independence, and politically motivated prosecutions are common. In 2013, the parliament adopted amendments to the Administrative Offences Code, Procedural Code, and Executive Code—all in a single session. Already empowered to impose fines for minor offences, the police now have the right to issue fines for additional administrative offenses. *Belarus's judicial framework and independence rating remains unchanged at 7.00.*

Corruption. Although Belarus has a well-developed anticorruption legal framework, graft remains widespread in the country's dominant public sector. The reintroduction of the so-called “golden share” policy in mid-2013 expanded opportunities for extortion and abuse of power among officials. A number of high-level bureaucrats faced corruption charges during the year. *Belarus's corruption rating remains unchanged at 6.25.*

Outlook for 2014. Soon after the Third Eastern Partnership summit in Vilnius, President Lukashenka made a television appearance in which he declared: “The period of dictatorship has come to an end; next year we are switching to democracy.”¹ Notwithstanding this promise, it is unlikely that 2014 will bring any meaningful democratic reforms in Belarus. However, with local and presidential elections on the horizon, it is possible that the regime will resume its half-hearted attempts to gain Western support by allowing some increase in non-political civil society activity or releasing more political prisoners. The Ice Hockey World Championship will be held in Minsk in May 2014, creating another opportunity for skin-deep liberalization in pursuit of external legitimacy.

MAIN REPORT

National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.75	7.00	7.00	7.00	6.75	6.75	6.75	6.75	6.75	6.75

Amended in a controversial referendum in 1996, the constitution of the Republic of Belarus established a system of unlimited presidential authority over the executive branch, local administrations, and the security apparatus. Presidential decrees overrule laws adopted by the National Assembly (parliament) and regulate the activities of the Constitutional Court. The president appoints and removes regional and local governors, all judges (with the guaranteed approval of the upper house of the parliament), half of the Constitutional Court, half of the Central Election Commission (CEC), and 8 out of 64 members of the Council of the Republic (the upper house of the parliament). He also appoints the prime minister, the ministers of defense and interior, and the head of the State Security Agency (KGB). A constitutional referendum in 2004—the year President Alexander Lukashenko finished his second 5-year term in office—removed the last check on his powers by waiving presidential term limits altogether.

Lukashenko’s regime has maintained power by redistributing external economic rents obtained from Russia—including energy subsidies and privileged access to the Russian market—in exchange for domestic political support.² With up to 70 percent of the population employed by the state, the government was able to purchase loyalty by bailing out insolvent sectors of state-owned economic enterprises, inflating salaries when expedient, and spending heavily on welfare services. After the flow of rents from Russia drastically declined in 2007, Belarus courted support from Europe, resulting in the appearance of brief periods of political thaw. However, the harsh government crackdown on the opposition following the 2010 presidential elections brought an end to any illusions of genuine liberalization.

Faced with severe economic problems, the regime made new attempts to coax support out of Western governments in 2013, releasing numerous political prisoners. This time, however, Western funders appeared unconvinced. In October, the Council of the European Union (EU) extended its sanctions against Belarusian authorities.³ The World Bank, too, made a statement by refusing to grant Belarus further credits unless they are tied to liberalizing reforms.⁴

Belarus also attempted to negotiate more economic support from Russia within the framework of Eurasian integration. Along with Kazakhstan and Russia, Belarus is a core member of the Eurasian Economic Area and Customs Union, a project linked to the geopolitical aspirations of the Russian establishment, as well as to the personal prestige of Russian president Vladimir Putin. The official launch

of the Customs Union's more politically ambitious incarnation, the Eurasian Economic Union, is set for January 2015, leaving Belarus and Kazakhstan another year to iron out the terms under which they will deepen their integration with Russia. In 2013, Lukashenka focused on negotiating the re-export of oil products derived from Russian crude at no fee, a potentially lucrative arrangement that could bolster economic and social stability in his country before the 2015 presidential elections. A conflict between state-owned potash company Belaruskali (Belarus's most profitable enterprise) and Russian potash producer OAO Uralkali in mid-2013 could have jeopardized these negotiations but appeared resolved at year's end (see Corruption section).

Plans to implement technical regulations required by the Customs Union on 1 July triggered a major strike by Belarusian retailers on 27 June. The regulations in question would have forced the retailers to acquire certificates on goods imported from Russia, a procedure small retail businesses consider costly and potentially harmful to them. An estimated 70 percent of all retailers at markets and shopping malls participated in the strike. A day earlier, the leader of an entrepreneurs' association, Anatoly Shumchenko, who had organized a planned strike in Minsk, was placed under administrative arrest for the "organization of an unauthorized meeting" and detained for five days.⁵ Ultimately, however, the strike prompted the government to delay the enforcement of Customs Union technical regulations until July 2014.⁶

Throughout the year, the government attempted to diversify its sources of revenue by using active diplomacy to boost Belarusian exports and by modernizing the production processes of various state enterprises. Meanwhile, the 2014 budget favors social security over other expenditures. The state claims to have cut the number of government employees by 25 percent, though it is believed that many of these were merely strategically reshuffled or immediately rehired.⁷

A growing number of Belarus's citizens are seeking employment abroad, contributing to a shortage of qualified labor at home. Estimates of the annual number of Belarusians who seek work in Russia alone range between 200,000 and 500,000 workers.⁸ As in most matters, the government's reaction to the labor drain has been extreme. In 2012, Lukashenka issued a decree that required woodworkers to get permission from their employers before quitting their jobs.

Lukashenka reshuffled several government positions in 2013 according to the government's current economic and foreign policy priorities. In June, Piotr Prakapovich (70), a former head of the National Bank, was replaced as aide to the president on economic issues by Kiryl Rudy, a young economist with a specialization in financial markets and a strong international profile. Colonel General Leonid Maltsev, a traditional hardliner, was replaced as secretary of the Security Council by parliamentary deputy Alexander Mezhuiev. Maltsev himself was appointed as the head of the State Border Committee.

Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
7.00	7.00	7.00	7.00	6.75	6.75	7.00	7.00	7.00	7.00

Elections in Belarus are largely an administrative formality conducted to validate the selection of progovernment candidates. Legislation fails to protect such basic tenets of free and fair elections as equal campaigning opportunities, representation of all political parties in the country's electoral commission, and transparent vote counting. No elections were held in 2013, but the government and the opposition could be seen preparing themselves for the 2014 local and 2015 presidential elections. The majority of political forces, even those that boycotted past parliamentary elections, have declared their intention to campaign and vote in 2014.

Opposition parties have no representation in the parliament, and most lawmakers are unaffiliated with any party. Lukashenka systematically destroys any potential alternative to his rule—a poll in September 2013 found that 81.5 percent of respondents could not name a single candidate who could compete successfully with him in presidential elections.⁹ Only 14.2 percent of respondents claimed to oppose the incumbent regime (down from 16.9 percent in March). Approximately 15.3 percent said they trusted opposition political parties, while 62.8 said they did not. Most people have no idea who actually sits in the parliament.

In an effort to improve the cohesiveness of the opposition and engage more citizens in political life ahead of the next elections, Belarus's leading trio of opposition movements—the Belarusian Popular Front Party (BPF), the “Tell the Truth!” campaign, and the “For Freedom” movement—launched an initiative in May 2013 for a so-called “people's referendum.”¹⁰ In October, the campaign's organizers began going door to door, collecting input on possible questions for a referendum on public needs and collecting signatures (500,000 are needed) to make the referendum happen. If the initiative succeeds, it will give the opposition an opportunity to broaden its communication with the general public before the election campaigns of 2014–15. Just as importantly, it is an opportunity to create an opposition platform based primarily on common needs and interests, rather than shared hostility to the Lukashenka regime.

In August, seven opposition groups formed a competing coalition to the People's Referendum alliance called Talaka (the “Talaka” Civil Alliance for Fair and Honest Elections for a Better Life). Talaka's founding members are the United Civil Party, the Belarusian United Left Party “A Just World,” the organizing committees of the Workers' Party, the Belarusian Women's Party “Nadzeja,” the “For Fair Elections” association, the *Belaruski Rukh* (Belarusian Movement) party, and the “Young Belarus” organization.

The two coalitions are expected to nominate candidates for the 2015 presidential election. Informal negotiations on the nomination of a joint candidate by all opposition parties have been taking place since September 2012, but no accord has been reached so far. In September, public opinion polls still showed that

42 percent of respondents would vote for Lukashenka again if an election were held tomorrow.¹¹

In November, the parliament adopted controversial amendments to the Law on Elections and Referendums in Belarus. The new legislation, which went into effect on 8 December, created regional-level electoral commissions for parliamentary elections and abolished the second round of voting in elections to the House of Representatives. Changes to campaign financing also raised the private donation cap for presidential campaigns from 3,000 to 9,000 base units (approximately \$124,000).¹² However, presidential candidates no longer receive money directly from the state budget; instead, state funds go to local and precinct-level electoral commissions, which produce and distribute candidates' informational materials among voters.¹³ If a candidate has a criminal record, this information will be carefully specified in these materials, potentially stigmatizing opposition candidates, most of whom were found guilty of "hooliganism" after the 2010 postelection protests.

Most significantly for the opposition, the recent legislation bans "acts of disruption, cancellation or postponement of the elections and referendum." The latter stipulation effectively criminalizes election boycotting, an occasional strategy of the opposition.¹⁴

None of the above amendments were discussed with experts from the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The Central Electoral Commission (CEC) also rejected the opposition parties' demand to organize a public discussion around the proposed changes. CEC head Lidziya Yarmoshyna's official response to the request was that public discussion of a bill can only be initiated by a state body (state official) authorized to adopt legal acts, and the CEC does not have this competence. Yarmoshyna also noted that Belarusian legislation has no provision requiring the input of the OSCE/ODIHR or the Venice Commission.¹⁵

Most independent analysts agree that even the seemingly positive amendments are largely meaningless in the current political context. For example, there is little chance that a private business would take the chance of donating officially to an opposition campaign, so the higher limit on private donations to presidential campaigns will not help.

Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.75	6.75	6.50	6.50	6.25	6.00	6.00	6.25	6.50	6.50

After a two-year campaign of intense reprisals against the alleged instigators of the 2010 and 2011 postelection protests, the year 2013 was comparatively quiet, with fewer politically motivated administrative arrests and many detained activists released without a trial. However, the conditions for civil society activity did not improve in any meaningful way. Belarus's law enforcement agencies continued to harass civil activists, political opponents, journalists, and other perceived threats to the current

regime. Nongovernmental organizations (NGOs) continued to face denial of state registration and restrictions on freedom of assembly remained in place as well.

In the context and aftermath of major public protests following Lukashenka's December 2010 reelection, there was a dramatic spike in the frequency of politically motivated detentions and arrests. According to the Viasna Human Rights Center, the number of administrative detentions in 2011 was 869, 323 of which resulted in administrative arrests. Figures compiled by Viasna show that those numbers went down by about two-thirds in 2012 (222 detentions, 100 arrests) and declined again in 2013 (153 detentions, 49 arrests).¹⁶ The authorities officially allowed all the traditional annual mass gatherings of the democratic opposition in Minsk in 2013. However, detentions took place during the rallies anyway, and opposition members attempting to organize similar events in the regions were prevented from doing so.

The reduction in arrests during 2013 may be explained by the Lukashenka regime's desire to improve political relations with the EU and burnish Belarus's image before the 78th Ice Hockey World Championship comes to Minsk in May 2014. Another explanation is simply that the crackdown has reached a saturation point of sorts, with most opposition activity driven deep underground. Figures collected by Viasna show that the number of prosecutions and arrests picked up slightly in the final quarter of 2013.

At year's end, the authorities continued to hold 11 political prisoners, including Ales Bialiatski, leader of the Viasna Human Rights Center; former opposition presidential candidate Mikalai Statkevich; Eduard Lobau of the unregistered Young Front political movement; and entrepreneur Mikalay Autukhovich. Four political prisoners completed their terms during the year.¹⁷ However, even after their release, they faced multiple legal restrictions on their personal freedoms. In July, a Minsk court rescinded the two-year suspended sentence of Iryna Khalip, a prominent journalist and the wife of former Belarusian presidential candidate Andrei Sannikau, for her alleged participation in protests following the December 2010 election. The authorities harass dissidents on a daily basis, forcing some, such as physician Ihar Pasnou, into psychiatric hospitals.

The Belarusian National Platform of the EU's Eastern Partnership (EaP) Civil Society Forum (CSF), which met twice in 2013, provides a framework for communication between Belarus's civil society organizations (CSOs) but still lacks the internal discipline to articulate concrete goals.¹⁸ Unlike other EaP national platforms, the Belarusian chapter has not formed thematic working groups to combine and focus members' demands. Since Belarus is not participating in the EaP's bilateral track and has very limited political relations with the EU, the Belarusian CSOs taking part in the forum have nothing to monitor or suggest to the Belarusian government in terms of its activities in EaP. Discussion at both of the platform's 2013 conferences focused a good deal on these shortcomings.¹⁹ The second conference, in November, led to the platform's adoption of propositions and amendments to a draft Strategy of the Civil Society Forum for the 2014–15 period. The primary aim of the Strategy is to strengthen the CSF's role in the political decision-making process.

Another sizable gathering of civil society advocates and activists took place in Vilnius, where some 110 human rights activists representing 25 organizations gathered in October for the Third Belarusian Human Rights Defenders' Forum. The last forum, held in 2010, had brought together representatives of only 17 organizations. Forum delegates discussed strategies for the human rights defenders' community and reached agreement on the definition of "political prisoners."²⁰

While overtly political or rights-focused civil society activity saw no resurgence during the year, actors involved in ostensibly cultural pursuits benefitted from the relative lull in the regime's crackdown on nongovernmental activity. In late June, the International Association of Belarusians "Bačkaŭščyna" was able to bring together 254 delegates representing the Belarusian diaspora from 20 countries for a two-day conference in Minsk that became a major cultural event. The main theme of the 6th Congress of Belarusians of the World was the status of the Belarusian nation in the context of globalization. However, the delegates did call upon the Belarusian authorities—a number of whom attended the event—to release political prisoners.²¹

Belarus's two official state languages are Belarusian and Russian, but the latter is increasingly dominant, especially in urban areas. The government makes no attempt to preserve or cultivate the Belarusian language, but some nongovernmental associations have taken up the cause. In 2013, a group of language enthusiasts launched a series of free Belarusian language courses called "Mova ci Kava"—a word-play in Belarusian meaning both "Language or Coffee" and "Language Is Interesting." The courses were organized simultaneously in Minsk and Moscow and had met with no official interference at year's end.

Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.75	6.75	6.75	6.75	6.75	6.50	6.75	6.75	6.75	6.75

According to the Belarusian Association of Journalists (BAJ), total state subsidies for governmental media outlets amounted to at least €60 million in 2013.²² Unlike independent media, they are guaranteed distribution through state-monopolized press distributors Belposhta and Belsoyuzdruk.

In the absence of elections or significant political events for most of 2013, the regime had no special cause to escalate its systematic suppression of independent media activity. Efforts to mitigate Belarus's economic woes by improving relations with the West even led to some positive developments.²³ In June, state security officials announced that the criminal investigation into the so-called teddy bear stunt of 2012—in which hundreds of teddy bears carrying signs supporting free speech were airdropped in the capital and surrounding areas by a Swedish advertising firm—was closed. Charges against Anton Suryapin, a blogger and photojournalist who was the first to capture the incident on film, were dropped. Suryapin had been facing up to seven years in prison for alleged complicity in an

illegal border crossing. In July, a Minsk court lifted the two-year suspended sentence handed down to journalist Iryna Khalip, a correspondent for Russia's *Novaya Gazeta* newspaper, which she had received in May 2011 for taking part in the 2010 postelection protests. Two other journalists arrested after the protests, Sergei Vozniak and Alexander Feduta, saw their prison terms expire in July. In September, a court in the western city of Hronda threw out the 2011 sentence received by Andrzej Poczobut, a correspondent for the Polish national daily *Gazeta Wyborcza*. In July 2011, Poczobut had been sentenced to three years in prison, with two years suspended, for allegedly libeling the president in a series of articles he published in several independent outlets. An additional charge of libeling the president that was filed in 2012 was dropped in March 2013. The beleaguered monthly cultural magazine *ARCHE* also saw criminal charges against it dropped in March. The magazine's bank accounts—frozen since October 2012 over allegations of “financial irregularities”—were unblocked, and its registration was finally reinstated in May.²⁴ *ARCHE* will be re-included in the Belposhta press catalogue and available by subscription as of January 2014, as will *Borisovskie novosti*, a newspaper that has been excluded from Belposhta's pages since before the 2006 presidential elections.

Notwithstanding these individual concessions, everyday conditions for independent journalism remained highly restrictive, and a number of new arrests took place. Over the course of the year, the police detained at least 45 journalists and bloggers while they were attempting to cover protests or other political events. In April, six journalists were arrested while covering an annual march—which had been approved by the government—to commemorate the 1986 Chernobyl nuclear disaster. Radio Racyja reporters Alexander Yaroshevich and Gennady Barbarich were detained for three days. Journalists Oksana Rudovich and Irina Arekhovskaya from the independent newspaper *Nasha Niva* were arrested when they attempted to film plainclothes officers beating another protester. They were taken to a local police station, where officers examined their cameras and memory cards before releasing them. In October, at least 10 journalists were detained at the Minsk train station while waiting for the arrival of Pavel Sevyarynets, a political prisoner who had just been freed. The journalists were released only after Sevyarynets left the train station. Members of the BAJ appealed to the head of the Minsk Internal Affairs Department in this matter but were informed that there had been faults on both sides and turned away.²⁵ In November, Minsk police detained journalists Anastasia Reznikova and Vyacheslav Peshko and filmmaker Olga Nikolajchik. They were waiting near a detention center to cover the release of Yuri Rubtsov, who had been arrested for refusing to take off an anti-Lukashenka T-shirt.

In September, the 2007 Law on Countering Terrorism²⁶ was used against a publication for the first time. The Information Ministry decided to strip the Minsk-based publishing house Logvinov of its license for publishing a book of photos deemed “extremist.”²⁷ The album in question showcased the results of the Belarus Press Photo 2011 photojournalism contest. Logvinov filed a complaint to the Supreme Economic Court, which confirmed the authorities' decision to revoke the license.²⁸

According to the International Telecommunications Union (ITU), Belarus had an internet penetration rate of 54.17 percent in 2013, compared with 46.91 percent in 2012.²⁹ A report by BAJ notes that the majority of users go online for email and search engines, rather than online news outlets.³⁰ The government has responded to increasing internet penetration in Belarus by restricting and monitoring online activity, particularly as the influence of social media among younger Belarusians grows. In December, Lukashenka issued a decree appointing his aide and the head of the Department of Ideology, Vsevolod Janchevsky, as coordinator of all internet media activity and television broadcasting.³¹ In this role, Janchevsky will also approve all regulations in the spheres of information, information and communication technology, and telecommunications, as well as state investment projects in these and other areas.

The state-owned telecommunications company Beltelekom, Belarus's sole internet service provider (ISP), controls all international data transfers and blocks some critical websites, while the KGB reportedly monitors internet communications and is believed to be behind the use of Trojan viruses to steal passwords from editors of critical websites. Government attempts to reduce the readership of independent news websites like Charter97.org and BelarusPartisan.org resulted in a 2011 resolution requiring ISPs to block access to these and dozens of other sites from all state, cultural, and educational institutions. Independent news websites and social-networking platforms were subject to cyberattacks from unknown sources on several occasions during the year. In April, BelarusPartisan.org and the website of human rights NGO Viasna were both hacked; the same week, a distributed denial-of-service attack was launched on the BAJ website.

At a November 2013 ministers' meeting, Deputy Information Minister Dmitry Shedko proposed that the most popular online news platforms be given mass media status, making them more accountable for their content under the media law. This would also allow their registration to be revoked if they are found in violation of the law.³² The only positive effect of this change would be to make it easier for online journalists to become accredited.³³

Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75

President Lukashenka directly appoints heads of Belarus's regional and district administrations. Progovernment political forces also dominate directly elected local councils. The next round of local elections, scheduled for March 2014, will take place under a revised election code that imposes still more restrictions on alternative candidates' ability to campaign effectively. Opposition groups have a weak presence outside of Minsk and concentrate most of their activities at the national level.

Local officials have extensive responsibilities in carrying out central government programs, especially in the areas of health, administration, and infrastructure; only

a few services, such as institutions of higher education and medical clinics, are directly administered by central government bodies. However, local governments are often underfunded due to the lack of local revenue sources. The system of local governance in Belarus also includes local units of self-government,³⁴ which serve as consultative bodies to local councils. These can be formed on a voluntary basis with no funding from the budget.

As the economic situation deteriorated in 2013 and the central government struggled to find competent administrators, the state appeared inclined to delegate additional powers to local authorities. When he appointed new regional governors in November, President Lukashenka called upon them to take more responsibility and initiative, encouraging local authorities to work directly with the responsible government ministries on issues related to the modernization of state enterprises. This set of rights obviously exceeds the one originally granted by the constitution and by the Law on Local Governance and Self-governance. Announcing the changes, Lukashenka said: “You [governors] are like presidents: in charge of the land you’ve been given. You have broad rights. Go for it! You are accountable only to the president.”³⁵

Civic groups at the local level commonly eschew political agendas and try to engage the authorities in non-political issues of local importance. In August, the activists of the “Tell the Truth” movement successfully filed complaints on behalf of local residents of the Brest region regarding pavement and street construction.³⁶ However, even focusing exclusively on non-political issues does not always prevent the authorities from treating local NGOs as opposition groups, especially if the NGOs are known to have broader political goals.

Local councils and their administrations are responsible for hearing locals’ complaints. Many believe that the central government allows criticism at the local level in order to monitor and contain public frustrations before they reach national political discourse. Often, public hearings are just opportunities for local officials to voice and reinforce views articulated by the government. When “Tell the Truth” activists proposed a local referendum over the construction of a Chinese-funded industrial complex outside of Minsk,³⁷ local council members merely passed along assurances from the central authorities and continued with plans for the complex.³⁸

Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00	7.00	7.00

Due to the absence of checks and balances in the Belarusian political system, the judicial branch lacks any genuine independence. Judges and prosecutors regularly defer decision-making to the executive branch for fear of jeopardizing their careers.

President Lukashenka himself appoints and dismisses all judges based on recommendations by the justice minister and by the chairman of the Supreme

Court—both of whom are also appointed by the president.³⁹ Judges are appointed initially for five years and then reappointed, either permanently or for another five-year term. The criteria for permanent reappointment are not defined in the Code on Structure of Courts and Status of Judges. The presidential administration also determines judges' salaries and benefits, while local authorities control their housing privileges. Mikhail Pastukhou, a former member of the Constitutional Court, told journalists: "As far as their status is concerned, the judges are state officials."⁴⁰

Representatives of human rights organizations and the regime's political opponents are regularly targeted for administrative arrest, usually on dubious charges ranging from swearing in public to disorderly conduct of which conviction is all but guaranteed. In August, Tatsiana Raviaka and Uladzimir Labkovich were detained and fined for handing out postcards in support of the jailed human rights activist Ales Bialiatski.⁴¹ In March, the Legal Transformation Center "Lawtrend" published the results of court-hearing monitoring conducted by its experts in 2012 that showed violations of procedural guarantees in most cases, as well as restriction of the freedoms of assembly and expression. Lawtrend representatives attended 33 hearings in 12 district courts related to administrative offenses such as participation in unsanctioned public events, hooliganism, and resistance to police actions. Frequently, the experts were blocked from attending the hearings.⁴²

On 20 June, the deputy chairman of the Mahilyou Kastychnitski District Court, Mahamed Umarau, and lawyer Anatol Homanau were detained on bribery charges.⁴³ In November, Deputy Chief Prosecutor Aliaksandr Arkhipau was sacked and then detained for alleged bribe-taking and abuse of office.⁴⁴ For years, Arkhipau had participated zealously in the prosecution of protesters and opposition members, as a result of which he received an EU travel ban.

According to Viasna, at the beginning of 2013, there were 12 political prisoners in jail, while 40 more individuals not actually in detention were subject to random police visits, travel restrictions, and other violations of their political rights and civil liberties.⁴⁵ Four political prisoners completed their terms during the year: "Tell the Truth" campaign activist Vasil Parfyankou, Young Front leader Zmitser Dashkevich, anarchist movement member Alyaksandr Franckievich, and Belarus Christian Democracy Party co-chair Pavel Sevyarynets. Meanwhile, human rights organizations agreed to recognize Andrei Haidukov—arrested in 2012 for allegedly "making a cache of information that could interest [other governments'] foreign intelligence agencies"—as a political prisoner. In December, civil activist Uladzimir Yaromienak was sentenced to three months' incarceration for allegedly violating the terms of his preventative supervision. Parfyankou, who had been released earlier in 2013, faced yet another set of criminal charges and was sentenced to a year at a labor colony for the same crime. As a result of these events, the total number of political prisoners was back up to 11 at year's end.

Prison conditions in Belarus are notoriously poor. Speaking before the United Nations Human Rights Council in June 2013, the UN Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, expressed concern that the

conditions of Belarusian prisoners' incarceration, as well as the psychological and physical pressures on them, might amount to abuse and sometimes even torture.⁴⁶ Haraszi was not given an opportunity to visit the country in 2013. In August, Igor Ptichkin died on his third day in a Minsk pretrial detention facility, where he had been held on charges of illegal driving. Human rights advocates and Ptichkin's family allege that his death was caused by torture and other physical abuse. As a result of public pressure and mass protests staged outside the prison, the Prosecutor's Office was forced to initiate a criminal case, ongoing at year's end, against the guards responsible for the murder.⁴⁷ In September, inmate Mikalay Autukhovich—a civic activist who was jailed in 2008 for "illegal handling of arms and explosives"—cut his own stomach with a razor in an act of protest against abusive treatment by prison administrators.⁴⁸

In April, the parliament adopted some technical reforms though the Law on Constitutional Law Administration but took no steps to increase citizens' access to the Constitutional Court. Currently, only authorized bodies (the Office of the President, the Council of Ministers, both chambers of the parliament and the Supreme Court) have the authority to refer a case to the Constitutional Court. Not a single case has reached the Constitutional Court in the last five years.⁴⁹

In November, the parliament adopted amendments to the Administrative Offences Code, Procedural Code, and Executive Code, all in a single session. Already empowered to impose fines for minor offences, the police now have the right to issue fines for some more administrative offences. Defendants have the option of turning to a court instead, knowing that this will probably mean spending some time in custody before their case is heard. Former lawyer Tamara Sidarenka—who was disbarred in 2011 after defending the two presidential candidates arrested in December 2010—has spoken out against the recent expansion of police authority, saying that it may result in arbitrary detentions by police.⁵⁰

Also in November, Lukashenka announced plans to merge all general, economic, and martial courts into a single court system, a stipulation of the Eurasian integration process. The merger will require changes to the constitution, which calls for the existence of the Supreme Economic Court. Legally, amendments to the constitution require a public referendum, but the deputy head of the presidential administration, Uladzimir Mitskievich, said the report could be changed without an amendment.⁵¹

The application of the law usually emphasizes procedure over substance or international human rights norms. For the first time since 2009, the Supreme Court repealed a lower court's ruling in October, overturning a death sentence in a brutal murder case and sending the case back to its original province-level court for a new hearing.⁵² The deputy head of Viasna, Valiantsin Stefanovich, asserts that the Supreme Court would only have made such a decision based on a close review of all the evidence.⁵³ Anti-death penalty advocate Andrei Paluda agreed that the decision was likely due to procedural violations during the investigation and the initial hearing, as well as the defendant's alleged mental disorder. Human rights defender Hary Pahaniayla noted that the Supreme Court may have been trying to avoid the

increased public and international scrutiny that cases involving defendants with mental disorders have received.⁵⁴

In November, the UN Human Rights Committee (UNHCR) ruled that the Belarusian state had violated numerous articles of the International Covenant of Civil and Political Rights during the trial and execution of Andrei Zhuk in 2010.⁵⁵ There are four more such appeals pending at the UNHCR relating to death sentences handed down by Belarusian courts. Three of the executions have already been carried out.

Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
6.00	6.25	6.25	6.25	6.00	6.00	6.00	6.25	6.25	6.25

Belarus's legal anticorruption framework is quite well developed. It contains a test for the corruption potential of draft laws planned for consideration by the parliament, as well as legislation defining and banning conflicts of interest. In 2003, the government issued the State Program on the Struggle against Crime and Corruption, an action plan intended to better coordinate the activities of all law enforcement bodies.

Nevertheless, corruption remains widespread. According to the Office of the Prosecutor General, the number of registered corruption offenses during the first half of 2013 increased 13.2 percent compared to the same period in 2012.⁵⁶

Belarus's public sector dominates the economy, generating more than half of GDP,⁵⁷ and the vast discretionary power of bureaucrats to regulate economic activities creates ample opportunities for extortion. This is especially true in profitable and overregulated sectors such as trade, exports, construction, and petrochemicals.⁵⁸ In addition, the process of privatizing state property suffers from a lack of transparency.

The introduction of the so-called "golden share" policy in mid-2013, which was previously in effect from 1997 to 2008, expanded opportunities for extortion and abuse of power among officials. The law allows the state to "protect" minority shareholders in enterprises with governmental shares of less than 50 percent by sending a government representative to vote on their behalf in any shareholder meetings they are unable to attend. The authorities can also appoint a government representative in enterprises without any governmental share. The representative has the power to overturn shareholders' decisions in the cases where "the implementation of these decisions is contrary to the public good and safety, harms the environment, or infringes on the rights and legally protected interests of others."⁵⁹ In addition to increasing state regulation of business operations, the "golden share" policy can be easily used to expropriate assets through extortion and pressure on minority shareholders.

The government's capacity to influence business operations and property rights in Belarus is already very high. Early in the year, the wool fabrics manufacturer

Sukno issued additional shares and transferred them to the government, reducing minority shareholders' stake in the company from 35 percent to less than 20 percent and giving the government a controlling interest in one of the country's largest light industry enterprises.⁶⁰ According to minority shareholder Yuri Pashinin, the decision was undertaken without a shareholders' meeting, and the protocol "proving" that such a meeting had taken place was forged.⁶¹ The minority shareholders, including a number of Russian citizens, tried to challenge the decision before the Supreme Economic Court of Belarus, which declined their claim on the grounds that they had missed the filing deadline.⁶²

In August, the Belarusian government seemingly put its own business interests ahead of one of its most precious (and volatile) assets, good relations with Russia. Belarus authorities arrested the director of Uralkali, Russia's largest potash fertilizer producer, shortly after the company broke off its consortium with state-owned monopoly Belaruskali, depriving Belarus of significant revenue and causing a 15–20 percent drop in global potash prices.⁶³ The committee tasked with the investigation alleged that Uralkali's director, Vladislav Baumgartner, had concealed information about the Uralkali-Belaruskali cartel's finances and manipulated information on potash market prices for personal gain.⁶⁴ Baumgartner, who had arrived in Minsk on 26 August at the invitation of Belarusian prime minister Mikhail Myasnikovich, was detained at the airport shortly after the meeting's conclusion and kept under house arrest for several months. Lukashenko ultimately agreed to extradite Baumgartner to Russia on the condition that Russia would press criminal charges against him, which it did in late October. Baumgartner finally returned to Moscow after Uralkali sold a minority share to a Belarusian business owner. Belarus also put out warrants against Uralkali's four top managers and its largest shareholder, Russian oligarch Suleiman Kerimov. Baumgartner remained under house arrest (in Russia) at year's end, and the warrant for Kerimov's arrest remained open.

Throughout 2013, the absence of customs controls at the Belarus-Russia border contributed to the existence of profitable money-laundering schemes. Under the rules of the Eurasian Economic Area and Customs Union—which included Russia, Belarus, and Kazakhstan in 2013—an importer need only to show a waybill (which can be easily forged) in order to receive goods from across the border. Over the last several years, a high number of bogus import companies have been created in Belarus and Kazakhstan in order to launder illegal funds from Russia. Analysts agree that the prolonged existence of such bogus companies would be impossible without the complicity of Belarusian officials. The Central Bank of the Russian Federation estimated the total amount transferred through such financial operations by Belarusian companies in 2013 at \$15 billion.⁶⁵

Corruption sweeps are not uncommon in Belarus; they keep Lukashenko's allies loyal and also show citizens who is to blame for the country's economic woes. The year 2013 saw an unusually large number of criminal charges against high-level bureaucrats and head executives of government-owned enterprises. In February, the media reported that three unnamed officials from the Office of the President had come under investigation for alleged embezzlement.⁶⁶ In April, the deputy minister

of sport and tourism, Sergey Nered, was arrested for bribery.⁶⁷ In July, the KGB detained Sergei Sidko—the chairman of Belkoopsoyuz, one of the government’s largest multisector enterprises—along with several of his subordinates on suspicion of bribery. According to the State Security Committee’s information, the amount of bribes taken by Sidko and his subordinates reached up to \$500,000.⁶⁸ Finally, in October, police arrested the deputy director of the state-owned company “Belneftekhim,” Vladimir Volkov, for allegedly accepting a \$19,000 bribe.⁶⁹

A recent Transparency International study on corruption in defense and security gave Belarus a grade of D- due to its nontransparent procurement processes, particularly where defense and security spending is concerned.⁷⁰ In March 2013, UN experts accused Belarus of selling Su-25 military aircraft and S-8 “air-land” missiles to Sudan, bypassing the UN’s embargo on arms sales to that country.⁷¹

Belarus’s ranking improved by one place (from 64 to 63) in the World Bank’s *Doing Business* report for 2013. The report notes a reduction in requirements for dealing with construction permits, starting a business, and getting electricity. At the same time, Belarus’s ranking in the area of bankruptcy procedures declined quite dramatically, from 56th to 74th place.⁷²

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