

Belarus (88)



U.S. DEPARTMENT of STATE

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Belarus**Country Reports on Human Rights Practices - 2002**

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

According to its amended Constitution, the country is a republic with a directly elected President. President Alexander Lukashenko (elected in 1994) continued to undermine democratic institutions through a series of unfair elections and a seriously flawed Constitutional referendum. In September 2001, President Lukashenko renewed his term in office through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair. The October 2000 parliamentary elections received a similar evaluation. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which reported directly to the President, shared law enforcement and internal security responsibilities. Under the law, the President has the right to subordinate all security bodies to his personal command. Apart from the President, civilian authorities did not maintain effective control of the security forces. Under Lukashenko's direction, the Presidential Guard—which was created initially to protect senior officials—continued to act against the political enemies of the Lukashenko regime with no judicial or legislative oversight. Members of the security forces committed numerous serious human rights abuses.

The country had a population of approximately 10 million. The economy was planned centrally with industry accounting for approximately half of economic output. The majority of workers were employed in the state industrial and state agricultural sectors. In the state sector wages were lower than the national average and wage arrears were chronic though often of short duration and limited scope. Official macroeconomic statistics have become more reliable, and showed that living standards for many segments of society continued to decline. Residents of small towns and rural areas, where incomes were particularly low, sustained themselves through unreported economic activity and subsistence farming.

The regime's human rights record remained very poor and worsened in several areas. The authorities effectively continued to deny citizens the right to change their government. At least one suspicious death of a political activist was reported. The authorities did not undertake serious efforts to account for the disappearances of well-known opposition political figures in previous years and discounted credible reports during the year regarding the regime's role in those disappearances. Police abuse and occasional torture of prisoners and detainees continued. There were also reports of severe hazing in the military forces. Prison overcrowding remained a problem. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated detentions greatly increased, although many of those detained were held for brief periods. The security services continued to infringe on privacy rights and freedom of movement by closely monitoring the activities of opposition politicians, human rights organizations, and other segments of the population.

The regime continued to restrict freedom of speech and of the press, and did not respect freedom of assembly or association. The regime introduced several new decrees that further restricted these freedoms. It began an assault on the independent media that resulted in the closure of several newspapers and the jailing of journalists on libel charges. The authorities also enacted a new law

on religious groups that severely restricts freedom of religion and favors the Russian Orthodox Church at the expense of nontraditional religions. The regime restricted freedom of movement.

Opposition political parties and movements were subjected to increased pressure through both judicial and extra-judicial measures, including physical abuse of political opponents. Regime security agents closely monitored human rights organizations and hindered their efforts. Domestic violence and discrimination against women remained significant problems. The authorities continued to restrict severely workers' rights to associate freely, organize, and bargain collectively. Trafficking in women and children remained a problem, which at the end of the year the authorities took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings committed by the regime or its agents during the year. The use of excessive force by police led to one death in custody.

On September 5, the Minsk City Prosecutor's Office charged two police officers with beating a homeless man in their custody to death in late August. A forensic examination indicated the cause of death was injuries suffered from a beating. The case was pending at year's end.

In December 2001, Andrei Zaitsev, a 24-year-old Gomel-based opposition activist, is alleged to have hanged himself a few days after he had been sentenced to 3 months confinement on a minor trumped-up charge. Friends and family noted numerous inconsistencies and irregularities in the suicide and demanded a criminal investigation. Before his death he allegedly left both a note stating that the KGB had tried to recruit him, as well as an audio recording of his conversation with a KGB officer named Yevstigneyev. According to Zaitsev's note, the KGB agent offered him freedom in exchange for cooperation with the KGB. Gomel District Prosecutor Vladimir Podsekin insisted that the death was indeed a suicide, and claimed that the KGB was not responsible. In explaining his rejection of the parents' request to institute criminal proceedings, Podsekin noted only that the law does not prohibit the KGB from recruiting informers.

Former government investigators and human rights monitors continued to provide credible reports that senior regime officials were involved in the disappearances and presumed murders of journalist Dmitry Zavadsky in 2000 and opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky in 1999 (see Section 1.b.). Observers suspect that Zakharenko, Gonchar, and Zavadsky, who each worked for the Lukashenko regime prior to joining the opposition, were killed because of their involvement with the opposition.

On November 20, a journalist from neighboring Ukraine, Mykhailo Kolomiyets, was found hanged near Malodocheno in Belarus. Kolomiyets disappeared from Kiev on October 28. The Kiev prosecutor's office invited a team of foreign investigators to help determine whether Kolomiyets committed suicide (see section 2.a.).

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

Despite the conviction of four members of the SOBR (a special Ministry of the Interior SWAT team), whose activities led them to be popularly known as a "death squad," the cases from previous years regarding disappearances of several opposition leaders, including Dmitry Zavadsky, remain unresolved. On March 14, the regime convicted four SOBR members, Valery Ignatovich, Maksim Malik, Aleksei Guz, and Sergei Saushkin in the disappearance of Dmitri Zavadsky. In July 2000, Zavadsky, a cameraman for the Russian television network ORT and previous cameraman for

President Lukashenko, disappeared at the Minsk Airport while waiting for ORT journalist Pavel Sheremet to arrive from Moscow. Zavadsky and Sheremet had been arrested in 1997 by regime authorities for crossing the border illegally while filming a documentary critical of the Lukashenko regime.

The accused were charged with the Zavadsky kidnaping, and also with seven premeditated murders, five armed assaults, and a second kidnaping. The proceedings were closed to the public and press. The trial, which was viewed widely as unjust by observers, also resulted in a criminal charge of slander filed against the attorney for Zavadsky's mother after he called on the court to examine investigative records implicating current Prosecutor General Sheiman in the abductions and murders. Zavadsky's wife and a lawyer representing his mother were allowed to attend, but were under court order not to disclose anything about the court proceedings. The trial was notable for not addressing the obvious question of what the accused eventually did with Zavadsky after kidnaping him. Some observers claimed that SOBR member Ignatovich was drugged during the testimony phase of the trial so that he could not incriminate others; the authorities stated that he was semiconscious because he was on a hunger strike. The judge later ordered him removed from the courtroom. Many human rights advocates believe that the regime's handling of the Zavadsky case did not constitute meaningful progress toward resolution because of the officials' refusal to investigate whether higher authorities ordered the kidnaping and execution.

However, there was considerable evidence which appeared to link the Zavadsky disappearance to those of other leading regime opponents. In 2000 an open letter on the Internet, reportedly written by a KGB officer, alleged that Zavadsky had been killed by a group of former and serving security service officers, and that senior authorities interceded with Lukashenko in order to prevent investigators from fully examining the case. Lukashenko claimed that the Internet letter was a fabrication and promised to renew the investigations into the disappearances; however, following his announcement he removed both Prosecutor General Oleg Bozhelko and KGB Chief Uladzimir Matskevich, who had been leading the investigation. Shortly thereafter, Lukashenko appointed Sheiman to the post of Prosecutor General.

In January 2001, ORT reported that the decision to replace these two officials was in fact a direct response to the arrest of Dmitriy Pavluchenko, head of a special Almaz brigade, in connection with the abduction and suspected killing of Gonchar and Krasovsky (see Section 1.a.). The report alleged that Pavluchenko was arrested but released after Lukashenko personally intervened. Sources close to the former KGB Chief and the former Prosecutor General stated that the two had requested permission to arrest Viktor Sheiman, then head of the Presidential Security Council, for ordering the killings. Lukashenko had refused; instead he dismissed them and put Sheiman in charge of the investigation.

There also has been no progress in the case of former Minister of Internal Affairs Yury Zakharenko, who disappeared on May 7, 1999. Zakharenko, who was popular among Ministry of Interior personnel and a close associate of then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative in which Chigir was one of the principal candidates. An investigation began 6 months later, but there was no evidence that the authorities had taken concrete steps to resolve the case. The regime failed to present any information on the investigation in response to a request from the U.N. Working Group on Involuntary Disappearances, and continued to harass and hinder the investigations into Zakharenko's disappearance by independent nongovernmental organizations (NGOs).

During the September 2001 presidential campaign, regime-dominated media repeatedly ran stories alleging that Zakharenko was alive and well in Germany and that his disappearance had been fabricated by the opposition. In December 2001, following the presidential elections that fall, Zakharenko's wife accused Lukashenko of direct involvement in Zakharenko's disappearance. She subsequently fled the country with her children, seeking political asylum. At a September 17 press conference, Lukashenko repeated his previous assertions that Zakharenko was alive, claiming again that the opposition faked his disappearance. In the same month, the Minsk City court rejected an appeal by Zakharenko's wife Olga, who sought to have her husband declared legally dead.

There has been no satisfactory resolution of the September 1999 disappearance of 13th Supreme

Soviet Deputy Chairman Viktor Gonchar and his local business associate Anatoly Krasovsky. The disappearances of both occurred after Lukashenko, in a meeting broadcast on state television, ordered the chiefs of his security services to crack down on what they consider opposition scum. At the time, Gonchar was a high-profile anti-regime politician and Krasovsky was considered an active fundraiser for the opposition. On November 20, a Minsk court ruled that Krasovsky was missing but refused to find him legally dead. On December 5, another Minsk court handed down a similar ruling on the legal status of Gonchar. Zakharenko's status is on hold pending the outcome of criminal proceedings.

Irina Krasovskaya, the wife of businessman Anatoly Krasovsky, reported that she had received additional evidence from Oleg Alkayev, the former warden of Minsk's death row prison, at an October 13 meeting in Germany. According to her statement, she and Garri Pogonyailo of the Belarusian Helsinki Committee had a lengthy conversation with Alkayev in which he confirmed again that he had issued the execution pistol to the commander of the SOBR on dates preceding the disappearances, as well as the pistol's return following them.

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

The Constitution prohibits such practices; however, police and prison guards regularly beat detainees and prisoners. By law, police and prison officials may use physical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure. In 2000 the U.N. Committee against Torture issued conclusions and recommendations in its third periodic report on the country. The Committee cited concern over the deterioration in the human rights situation and noted numerous continuing allegations of torture and inhuman treatment or punishment of political opponents of the regime and peaceful demonstrators committed by, or with the acquiescence of, state officials.

Police and plainclothesmen frequently beat individuals while arresting them or holding them in detention. On February 20, Dmitry Dashkevich filed a formal complaint that police officers beat him on the way to the police station following his arrest after demonstrations on February 14 even though he did not resist the arrest. At the police station, he was handcuffed to a radiator and beaten along with Stanislav Ivashkevich, another detainee.

Police reportedly beat and tortured Alexandr Chigir, the younger son of prominent opposition politician Mikhail Chigir, and he was convicted on March 6 to 7 years in prison on charges of stealing auto parts, charges that many observers believed were fabricated. Both Alexandr Chigir and two witnesses who testified against him later said that their confessions and testimony had been the result of police beatings and torture. According to Yashin, the police first tortured him, demanding statements against Chigir junior, then incarcerated him in a dark cell without fresh air on a death-row prison block, where he developed tuberculosis. He was brought into the courtroom in a TB mask. When called to court, police officers denied using any rough methods against either Yashin or Yutskevich. However, medical experts confirmed that both had numerous bruises. Alexander Chigir's lawyer was hospitalized following an attack by unknown individuals on March 6, and was unable to represent his client for most of the trial.

Police also frequently beat participants in demonstrations and at times denied them food while they were in detention (see Section 2.b.). Retired police Lieutenant General Myacheslav Grib told journalists on March 25 that the police enjoyed "permissiveness and impunity for several years." He said that police violence against peaceful street demonstrators, which has become an ordinary occurrence and is almost encouraged by the authorities had made the process uncontrollable and that more ordinary individuals increasingly found themselves to be victims of ill-treatment.

There were also suspicious beatings of political opponents reported during the year. At year's end no one had been charged with, or arrested for, the assaults. On the evening of June 9, the husband of United Social Democratic Party (USDP) leader Valentina Polevikova was beaten up in the evening as he exited a trolley bus to return home. He did not see his attackers, and regained consciousness the following morning lying on the compound of a nearby kindergarten.

Seven Hindus were assaulted in several incidents in late August and early September while the regime was cracking down on that religious movement. One of them, Tatyana Zhilevich, was beaten up and taken to a hospital with head injuries (see section 2.c.).

On September 16, Aleksei Korol, deputy chairman of the USDP, was assaulted and robbed by unidentified assailants when he was returning home from Vilnius, Lithuania, after meetings with Lithuanian Social Democrats. Near the entrance to his house, he was hit on the head with something heavy and lost consciousness for approximately 15 minutes. While unconscious, his bag, passport, and wallet were taken. The USDP has condemned the attack on Korol as political.

Dedovshchina—the practice of hazing new army recruits through beatings and other forms of physical and psychological abuse—reportedly continued. During the year, 15 criminal charges were brought against servicemen accused of battering their subordinates and disciplinary action was taken against 160 officials. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of such diseases as tuberculosis, syphilis, and HIV/AIDS. Interior Minister Naumov stated on May 28 that the prison population exceeded its capacity by 37 percent. In addition, credible reports indicate that prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenko regime who spent 4 years in prison, torture was widespread in prisons.

According to human rights monitors, conditions at prison hospitals were also poor. The average amount of space provided for each inmate was 1.2 square yards. In many cases, food provided in prisons did not meet minimum medical requirements. In September Hindu detainees who adhere to a strict vegetarian diet were given regular meat-based food to eat (see Section 2.c.). Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to declining health while awaiting trial. Two protesters affiliated with Zubr (a well-known youth movement) complained about conditions of confinement, saying that the cells were overcrowded and often contained alcoholics who experienced delirium. The pair were not allowed exercise and were unable to walk during their 10-day detention. In addition, the wife of a Hindu leader who was jailed for praying in the street was beaten by other inmates while in prison (see Section 2.c.).

According to prison policy, male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees normally were held separately from convicted prisoners; however, due to prison overcrowding, they occasionally were held together.

At times the regime granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year.

d. Arbitrary Arrest, Detention, and Exile

The law places limits on arbitrary detention; however, security forces continued to arrest and detain citizens arbitrarily. Such detentions most often were connected with demonstrations, some of which were not authorized (see Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few days or hours.

Both the Criminal Procedure and Administrative Codes specify that police may detain a person for up to 3 hours without providing any explanation for the detention, and the authorities frequently used this provision to detain opposition members and demonstrators. According to the Criminal Code, police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months to allow

for further investigation. Alternatively a suspect who has been charged may be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees the right to petition the court (rather than the procurator) to determine the legality of their detention. In practice the appeals of suspects seeking court review of their detentions are frequently suppressed because detention officials are unwilling to forward the appeals. Statistics on the number of persons in pretrial detention and the average length of such detention were not available. No provision for bail exists under the legal code.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. In some cases the information gained in interrogations conducted without counsel was used against the defendant in court. Access by family members to those detained was at the discretion of the investigators and they frequently were not notified when a family member, even a juvenile, was detained.

Lengthy pretrial detention periods were common. At year's end, for example, the following persons remained in detention: Mikhail Leonov, director general of the MTZ tractor factory had been in pretrial detention since his arrest in early January on corruption charges; artist Ales Pushkin had been in detention since he was arrested in Minsk in July for attempting to stage a performance on Republic Day, the date authorities mark the liberation of Minsk from German Nazi occupation; entrepreneur Oksana Novikova remained in detention after having been arrested on October 17 for passing out anti-Lukashenko leaflets in Minsk's Oktyabrskaya Square; and 61-year-old industrialist and recent presidential candidate Leonid Kalugin had been in pretrial detention since November 2001, when he was charged with abuse of power, illegal currency practices, and illegal business activity

Unidentified plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in antiregime demonstrations and in the distribution of opposition materials. There were several reports that individuals and members of organizations involved in publishing opposition media were arrested and detained (see Section 2.a.). Security officials also held some detainees incommunicado following demonstrations. In addition to the hundreds of antiregime protesters, many of whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention. In some cases these detentions lasted more than 1 year (see section 1.c).

While the Constitution does not address forced exile and the authorities did not generally use forced exile, there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

e. Denial of Fair Public Trial

The 1994 Constitution provides for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining 6 are appointed by the Council of the Republic which itself is composed of individuals appointed by the President or those deferential to the President. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has the constitutional authority to appoint and dismiss all district and military judges.

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court was established to adjudicate serious constitutional issues; however, because it was dependent on the executive branch, it did not in practice challenge presidential initiatives. The Constitutional Court has no means of enforcing its decisions.

Prosecutors, like the courts, were organized into offices at the district, regional, and republic levels. They ultimately were responsible to and serve at the pleasure of the Procurator General, who was appointed by the Council of the Republic. Prosecutors were not independent and did not have the

authority to bring charges against the President or the Presidential Administration.

A Presidential decree subordinates all lawyers to the Ministry of Justice, which controls the licensing of lawyers; therefore, the bar association also was to a considerable extent under Ministry of Justice control. According to international legal experts and human rights monitors, the decree seriously compromised the independence of lawyers from the authorities. For example, authorities disbarred human rights lawyer Igor Aksyonchik for his participation in the trial of the convicted kidnappers of ORT cameraman Dimitri Zavadsky (see section 1.b.).

Both the 1994 and 1996 Constitutions provide for public trials, although there can be exceptions in cases established by law (for example, in cases of rape or on grounds of national security). The courts increasingly closed trials to observers. The September 11 libel trial of Viktor Ivashkevich was closed to the public (see Section 2.a.). International and domestic observers were also barred from the trials of Pahonia journalists Nikolai Markevich and Pavel Mazeyko (see Section 2.a.). Judges adjudicated trials. Only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial did juries determine innocence or guilt. Since judges were dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing, there were widespread and credible reports that executive and local authorities dictated the outcome of trials to the courts. The Procurator's Office denied these assertions.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected. By law detainees must be allowed unlimited access to legal counsel and for those who cannot afford counsel, the court must appoint a lawyer. However, at times this right was not respected. A district judge denied Yury Belenky access to his lawyer at his October 1 trial for holding an unsanctioned demonstration (see Section 2.a.).

The Constitution establishes a presumption of innocence; however, in practice defendants frequently had to prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee, criminal charges were brought by prosecutors against 59,700 individuals. Of these only 272, or fewer than 0.5 percent, were found to be not guilty.

Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in reversals of verdicts. In an appeal, neither defendants or witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, anti-regime protestors arrested after demonstrations were subjected to assembly-line style trials, often without the right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). For example, Vintsuk Vyachorka, the leader of the opposition Belarusian Popular Front, was sentenced to 15 days in prison in 2001 for holding an unsanctioned rally in March of that year; at his trial he was not allowed an appeal or a closing statement.

On April 3, the Prosecutor General's Office announced that it had taken Yury Yankelevich, a department head at the Gomel State Medical Institute, into custody in connection with the June 2001 bribery investigation against a university professor, Yury Bandazhevsky. The Prosecutor's Office alleged that in 1997 while working for the institute, Yankelevich accepted a large bribe, which he shared with Bandazhevsky. Seven other faculty members in addition to Yankelevich were charged with bribery. However, in each case the courts suspended sentencing. Bandazhevsky and another professor, Vladimir Revkov, had been convicted of bribery in June 2001, after a 4-month trial and sentenced to 8 years in prison. Revkov, who had already spent 19 months in a local pretrial detention cell, is the former deputy rector of the Gomel State Medical Institute, and Bandazhevsky is a former rector of the Institute. Testimony from students and parents reportedly was coerced.

Andrei Klimov of the disbanded elected Parliament was released from prison in April. He had been convicted in 2000 on what were considered widely to be fabricated charges of malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm that he ran. There were no other reports of political prisoners.

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

The Constitution prohibits such actions; however, these rights were not respected in practice. The interception of telephone and other communications without a court order is prohibited; however, in practice the regime continued to monitor residences, telephones, and computers. The KGB, MVD, and certain border guard detachments use wiretaps, but under the law they must obtain a prosecutor's permission before installing them; in addition, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence, effectively rendering the due process protections regarding wiretaps meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers in the performance of their duties. Any effort to prevent KGB officers from entering the premises of a company, establishment, or organization is a criminal offense, as is any refusal by such entities to allow audits or to deny or restrict access to company information systems and databases. Contracts used by the Ministry of Communications for supplying telephone service forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

Nearly all opposition political figures report that the authorities monitored their activities and conversations. The regime did nothing to refute these reports. Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services. On September 9, UCP leader Anatoly Lebedko asked the Prosecutor General's Office to investigate the illegal wiretapping and publication of his private conversation with a Russian parliamentarian. Giving no reason, the Prosecutor General declined to investigate the charge.

The Presidential Guard (or security service) reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some regime officials are themselves monitored. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. On November 4, opposition leader Anatoly Lebedko was detained forcibly near a foreign Embassy by plainclothes officers who refused to identify themselves. They drove him to the KGB headquarters and issued him a formal warning that he would be charged with treason if he did not cease his contacts with foreigners. Some opposition figures expressed reluctance to visit foreign embassies due to fear of reprisals.

Harassment in the form of inspections by security officials and confiscation of political literature, often without warrants, was widespread. Targets included opposition candidates and their supporters. In March opposition leaders traveling to a conference in Lithuania were subjected to detailed personal searches at the border, and UCP leaders Lebedko and Romanchuk had their papers and laptop confiscated upon return from an October conference in Prague.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Both the 1994 and 1996 Constitutions provide for freedom of speech as well as the freedom to receive, retain, and disseminate information; however, the regime restricted these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of regime officials and activities. The regime restricted freedom of the press in many ways, including: Use of libel laws, limitations on foreign funding, pressure on businesses not to advertise with independent media, limitations on access to newsprint, denial of accreditation to critical journalists, censorship, restrictions on the import of media-related materials, temporary suspension of opposition periodicals, legal action against the main independent publishing house, and detention of individuals seeking to distribute opposition newspapers. The regime made use of its monopoly on television broadcasting to present biased news coverage and to minimize the presentation of

opposing points of view. These restrictions on press freedom were particularly severe in the period before the September 2001 presidential election.

The executive branch continued its suppression of freedom of speech. A 1997 presidential decree prohibits a range of broadly defined activities and limits freedom of expression. The decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the State, as well as emblems, symbols, and posters that intended to harm the State and public order or rights and legal interests of the citizens. The decree also bans activities that demean state authorities. This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag. A 1998 decree limited citizens' right to express their own opinions. In 2001 Ales Abramovich, Alesia Yasiuk, Nadzieya Grachukha, and Dmitry and Mikhail Kuznitsov were arrested and charged with defamation for verbal abuse of the president's honor and dignity during the course of a 30-minute demonstration in Borisov. Throughout the year, the regime fined, warned, or jailed members of the media, members of opposition and religious groups, and others who publicly criticized the regime. On October 17, Oksana Novikova was arrested for distributing anti-Lukashenko pamphlets in Minsk and charged with slander of the President. She was subsequently released. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism.

The newspapers and other print media with the largest circulation were state-owned, although there also were a number of independent publications, some of which were critical of the regime. Independent newspapers were available widely in Minsk, but outside of the capital, variety was limited to the state-run national newspaper and local newspapers, only some of which were independent.

All nationally-available radio and television broadcasts originating in the country were government-owned, although some broadcasts from other countries, including Russia, Poland and Lithuania, could be received in many parts of the country. State-controlled Belarusian Television and Radio (BTR) maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting that was biased heavily in favor of the authorities, sharply critical of opposition politicians, and failed to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas and reported local news relatively unhindered by the authorities. However, most of these stations reported that they were under pressure not to report on national level issues or were subject to censorship.

The law stipulates that public insults or libel against the President may be punished by up to 4 years in prison, 2 years in a labor camp, or by a large fine. The authorities also continued to make use of the articles in the criminal code which prohibits slander and insulting the President or government officials to stifle press freedom. The criminal code provides for a maximum penalty of 5 years' imprisonment for such offenses. According to the Belarusian Association of Journalists (BAJ) President Zhana Litvina, the laws penalizing slander of a government official effectively impose a ban on press criticism of the regime. In September BAJ began to collect signatures for a petition to remove the three articles, but the regime had not responded to the petition by year's end.

On June 25, a court in Grodno sentenced Nikolai Markevich, editor-in-chief of the independent newspaper Pahonia, and Pahonia journalist Pavel Mozheiko, to 2½ and 2 years of khemia (internal exile), respectively. The two were convicted of printing a libelous article about President Lukashenko in a September 2001 issue of Pahonia. During the 2-month trial, local authorities attempted to prevent media, human rights observers, and international diplomats from attending the trial.

On August 27, chief editor Pavel Zhuk announced the closure of the independent newspaper Nasha Svaboda. One of the country's leading independent newspapers, Nasha Svoboda closed after a Minsk court handed down a fine of \$55,000 (96.5 million rubles) in damages in a libel suit filed by Anatoly Tozik, chief of the state control committee. Tozik claimed an article injured his reputation. Unable to collect the fine, the regime seized Nasha Svaboda's equipment and froze the newspaper's bank assets.

On September 21, the Prosecutor General's Office initiated libel proceedings against Belorusskaya Delovaya Gazeta journalist Irina Khalip. This action was in response to Khalip's articles about investigations by the authorities into the alleged corrupt business practices of Viktor Kozeko, the former head of a large state-owned food concern, Belgospisheprom, and his son. The Prosecutor's Office also issued a warning to Delaya Sluzhebnogo Polzovania, a monthly supplement featured in Belorusskaya Delaya Gazeta.

On October 15, a Minsk City court panel upheld a previous court decision sentencing Viktor Ivashkevich, editor-in-chief of the independent newspaper Rabochy, to 2 years "restricted freedom" for defaming the president.

On July 25, frustrated with press mockery of the annual harvest campaign, Lukashenko ordered the Minister of Information to bring the opposition press "to its senses." Information Minister Mikhail Podgainy responded by stating his intent to use personal tools to influence the independent press. Podgainy said he could easily find infractions and issue warnings to periodicals. The Minister relied on dialog with the independent press and noted that non-state periodicals had been publishing "more objective materials" lately. Minister Podgainy also said that his government did not instruct the state-controlled press what and how to write. He did admit to the use of "reference points for the state media" which provided guidance on event coverage.

On October 16, according to the Belorusskaya Delovaya Gazeta, Information Minister Mikhail Podgainy instructed the editors-in-chief of FM band radio stations on what they should include in news broadcasts.

On November 29, the Ministry of Information voided the registration of the Mestnoye Vremya newspaper. According to the editor in chief, the newspaper had been subject to a series of check-ups, fines, and harassment since it first began to publish on October 31.

Independent newspapers continued to be subjected to pressure from the regime. The law specifies that the regime may close down a publication after two warnings. On February 4, the authorities issued a warning to the independent newspaper Nasha Niva following the publication of an article on the Belarusian Autocephalous Orthodox Church (see Section 2.c.). In May a court overturned the warning. On March 29, the Ministry of Justice issued a warning to the independent newspaper Narodnaya Volya after it published an article alleging that Lukashenko was involved in illicit weapon sales to rogue states. On February 7, Irina Makovetskaya, a reporter for the newspaper Belaruskaya Delovaya Gazeta was warned by the General Prosecutor's Office for publishing an article about police brutality.

The regime's use of presidential decrees was another obstacle for independent press. In March 2001, in a step designed to discourage foreign support for independent media, the regime published a decree "On improving the system of receipt and use of humanitarian assistance." Ostensibly aimed at stopping foreign-supported seditious activity, the decree specifically prohibits foreign-supported "activities directed at alteration of the constitutional order, overthrow of state power or encouragement of such activities...preparation, administration and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication and distribution of promotional materials, organization of seminars and other types of promotional activities involving the population." The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGOs, many, if not most, of which are supported by the international community. The regime utilized tax inspections and confiscation of printed matter and equipment to immobilize much of the prodemocratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (see Section 1.f.).

According to a presidential decree in 2000, the independent press is prohibited from using the country name in its titles. The decree on "the Use by Legal Entities of the Name of the Republic" allows only legal entities specially authorized by the President to use the name of the country in their titles. In order to ensure loyalty to the authorities, a 1996 presidential decree designated all editors-in-chief of state-supported newspapers as state employees and members of their respective local-level government councils. Another decree granted the Ministry of Press the authority to

assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Regulatory provisions grant the authorities power to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. Amendments to the law prohibit the media from disseminating information on behalf of political parties, trade unions, and NGOs that are not registered with the Ministry of Justice.

In an August 22 news conference, BAJ maintained that the Ministry of Information had no right to intervene in the ongoing conflict between the founders of the independent newspaper, Svobodniye Novosti. According to BAJ lawyer Andrei Bastunets, the Minister of Information had already instructed Belarusian Print House to consider Svaboniye Novosti activities suspended.

In an August 28 statement in response to the liquidation of the independent newspaper Svobodniye Novosti, the BAJ called for the resignation of Information Minister Mikhail Podgainy. The BAJ accused Podgainy of indirectly censoring the press by threatening to close newspapers, attempting to use the state press as an instrument of propaganda, attempting to restrict public discussion of the new draft law on media, and refusing to seek European expertise during the draft law's preparation.

During the year, the independent newspaper Narodnaya Volya was sued by several individuals following its publication of articles they claimed to be libelous. In June a Minsk city court temporarily froze the bank account of Narodnaya Volya, after two judges in Zhodino filed a libel suit against the newspaper for an article considered to be libelous. On September 20, a Minsk court ordered the confiscation of approximately \$2,630 (5 million rubles) worth of Narodnaya Volya's equipment as a settlement for another libel suit that was brought by another judge. However, on December 25, the General Prosecutor's Office rejected a request by Leonid Kozik, Chairman of the Belarusian Federation of Trade Unions of Belarus (FTUB), to close the newspaper following the newspaper's publication of an article critical of an FTUB meeting.

One effect of libel prosecutions and other measures taken by the regime has been to encourage self-censorship. BAJ Vice President Eduard Melnikov said, "Many non-governmental newspapers have abandoned sharp reporting and their staff have embarked on a path of self-censorship, which is unacceptable in normal journalism." The regime issued only two official warnings this year concerning press law violations, compared with 80 in 2001.

On August 12, Leonid Kozik, personal choice of Lukashenko as chairman of the Belarusian Federation of Trade Unions (FTUB), informed the staff of the FTUB newspaper, Belaruskі Chas, that he had sacked their editor-in-chief, Aleksandr Starikevich, because of his unwillingness to cooperate with him. Among other reasons for the dismissal, Kozik claimed the former editor-in-chief refused to show him the layout of a newspaper issue. Kozik also cited Starikevich's opposition to the Belarusian-Russian union and his failure to publish a story on Kozik's election as FTUB chairman at the top of the front page (see Section 6.a.).

Several independent journalists were beaten by unknown assailants or by the authorities during the year. On March 17, Oleg Suprunyuk, a correspondent for Radio Liberty and deputy chief editor of the local independent newspaper Brestsky Kuryer, was beaten by unknown assailants and hospitalized. On May 4, unknown assailants also attacked Yuri Grimenyuk, an independent journalist in Grodno. On September 8, Stanislav Pochobut, another independent journalist from Grodno, was beaten by police officers after police stopped him. Pochobut was also one of three journalists detained by local authorities in the town of Pogranichny prior to the regime's destruction of a Belarusian Autocephalous Orthodox church (see Section 2.c.)

In addition to ruling by decree, the regime continued to use its near-monopolies on newsprint production, newspaper printing and distribution, and national television and radio broadcasts to restrict dissemination of opposition viewpoints. The regime also denied accreditation to journalists critical of the regime and kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment.

The authorities increased their campaign of harassment against independent media, including open censorship, requiring some independent publications to remove stories, forcing them to publish blank pages or spaces.

A 1997 decree by the Council of Ministers restricts the movement of certain goods across customs borders; the decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." In addition, authorities searched vehicles at border crossings and on several occasions confiscated nonpartisan campaign materials being brought into the country.

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for accreditation with the Ministry of Foreign Affairs. In April the authorities refused to accredit a film crew from the Russian television network NTV. Authorities also issued a warning to NTV reporter Pavel Selin about his "preparation of biased reports." Selin had previously filed several news reports critical of the regime.

Although there were several Internet service providers in the country, they were all state controlled. The regime's monopoly on Internet service results in high prices, poor quality, limited service and allows the regime to monitor practically all e-mail. Although the authorities had full control over the Internet because access was provided by Beltelecom—a state-owned monopoly—they appeared to be cutting off access selectively. In March the human rights NGO Vyasna reported that it was unable to access its web site for 3 days following the Internet posting of statements made by Sergei Tsurko, a lawyer for the Zavadsky family (see Section 1.b.). In April the opposition organization Charter 97 reported that unknown hackers destroyed their organization's web site.

In addition to restrictions placed on the media, the Lukashenko regime continued to restrict academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the country's independence movement during the Soviet era, a theme that is seen to challenge the regime's policy of integration with Russia. In June 2001, the regime required that all independent, non-state academic institutions must obtain special permission from the authorities to hold educational seminars or lectures. There were also credible reports that independent universities engaged in self-censorship. The European Humanities University, one of the country's leading independent universities, reportedly asked students to refine or rethink dissertation topics if that topic was likely to embarrass the regime.

The regime also continued to harass students engaged in anti-regime activities, such as demonstrations (see Section 2.b.). During the year, the authorities harassed members of the unregistered Association of Belarusian Students (ABS). On February 15, unknown assailants broke into an ABS office in Minsk and attacked several ABS members present and stole computer equipment from the office. In April 10 members of the ABS were arrested in Grodno for illegally distributing pamphlets. In November the Maxim Tank Belarusian State Pedagogical University reprimanded several members of the ABS and expelled Ales Tarasov, a member of the ABS, for his activities with the group. Another ABS member, Kristina Vituchko, was reportedly accused by the KGB of leading a terrorist group comprised of students at the university.

b. Freedom of Peaceful Assembly and Association

The 1994 and 1996 Constitutions both provide for freedom of peaceful assembly; however, the regime severely restricted this right in practice. Following many unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstration participants.

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. Under the law, the local government must respond with a decision no later than 5 days prior to the scheduled event. However, such permits were not routinely issued. Since the September 2001 elections, in most cases such permits either have not been granted, or have been granted only for demonstrations in obscure, hard-to-reach locations.

During the year, the Ministry of Justice challenged the registration of several opposition parties over their legal addresses. According to the law, all public organizations must register with the Government. These organizations were unable to obtain space in office buildings since many locations were either owned by the Government or were too expensive. Instead, they must operate out of private apartments that the Government did not consider legal addresses.

The law limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to place strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the legislature, imposes severe penalties on violators, particularly the organizers of events. The decree allows for either monetary fines or detention of up to 15 days, but courts frequently imposed high fines that the convicted cannot reasonably afford to pay. The courts punished organizers of rallies with fines of several times the average monthly wage. When individuals failed to pay fines, authorities threatened to confiscate their property.

In May 2001, Lukashenko issued a decree banning all demonstrations by unregistered organizations, limiting participation in any demonstration to under 1,000, and including a specific prohibition against the wearing of masks. According to members of opposition parties, the authorities frequently denied permission to opposition groups to meet in public buildings. Nevertheless public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict regime surveillance, including open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country but were less frequent, especially in eastern areas close to the border with Russia.

Following March 24 Freedom Day demonstrations in Minsk and Grodno, police beat a number of demonstrators. On March 25, a judge of Minsk's Sovetsky District Court sentenced two police investigators to prison terms for beating suspects. The following day, a judge of Minsk's Oktyabrsky District Court convicted five police officers of torture and brutality.

On April 16, Vasily Parfendov and Ales Poklad were beaten when plainclothes police, led by chief of the Sovetsky district police post Nikolai Buslo and his deputy Yevgeny Gurenkov, raided their tent at the Kuropaty memorial site near Minsk, scene of numerous, often violent demonstrations against a government road widening project over mass graves of the victims of Stalinist purges. The raid came immediately after they filed a complaint with police over several previous attacks by unknown assailants. On April 19, their tent was set afire and Ales Poklad received 2nd and 3rd degree burns to 15 percent of his body. The victims charge the fire was set intentionally. The protest site was guarded heavily by police day and night at the time, yet no one ever was charged with the assaults or arson.

On April 19, police beat 40 demonstrators after demonstrations. Six persons were hospitalized including prominent human rights defender and journalist Valery Shchukin. Demonstrators reported that they were lined up against a wall and beaten by police at the detention center.

In March 2001, Police in Grodno detained and beat photojournalist Dmitry Yegorov for taking photos of a heavy police presence in the center of town in advance of a Freedom Day march. On the same day, unidentified assailants widely believed to be linked to the police beat Vladimir Shlapak, a photojournalist in Minsk, while he was covering a similar march.

In 2001 15 cases against police officers went to trial in Minsk alone. Several officers received heavy prison sentences. Commenting on the trials of police officers charged with abuse of power, retired police Lt. General Mecheslav Grib told journalists on March 28 that, "There are so many abuses in the police's performance that it is impossible to hide them."

There were some incidents of police interference with demonstrations. On February 14, three Zubr youth group activists were detained in Gomel after a street performance called St. Luke's Day in a local park. In April the Malady Front youth group announced that the police arrested activists before demonstrations on February 14 and March 24 to prevent them from participating in the

demonstrations. On April 2, a Russian NTV crew including Pavel Selin, Konstantin Morozov and Dmitry Davydenko were detained on a Minsk street before and released after 1 hour. On May 1, plain-clothes police arrested union member Yuri Ryzhkov for carrying a white-red-white flag at a rally.

At times individuals who had not been part of the demonstrations, but only innocent bystanders, were also arrested. Riot squad units stopped individuals on the street and dragged them from the sidewalk even when the demonstration was blocks away. These individuals then were charged with taking part in an unlawful demonstration. On March 24, approximately 50 persons were arrested in central Minsk at a demonstration to mark the 84th anniversary of the Belarusian National Republic. In this case, arrests started even before the demonstration began. Police also detained a bus with a children's choir that was to participate in the demonstration.

The Constitution provides for freedom of association; however, the authorities severely restricted this right in practice. During the pre-election period in 2001, the authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (see Section 3). Authorities also continued to attempt to impose severe limitations on the activities of NGOs (see Section 4). Employees at state-run enterprises were discouraged from joining independent trade unions (see Section 6.a.) and officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

A 1999 Presidential decree requiring all political parties, trade unions, and NGOs to reregister with the authorities by July 1, despite the fact that such public associations had already completed a lengthy reregistration process in 1995. In another 1999 regime action, Lukashenko signed into law amendments to the Administrative Offenses Code that made any work on behalf of an unregistered NGO punishable by fine. Observers believed that the intent of the decree, which increased the scope of operations and the number of members that organizations needed in order to qualify for reregistration, constituted political intimidation. The regime also announced regulations that prohibited private organizations from using private residences as their legal addresses. In light of regime control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that in addition to registering, organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words "popular" or "national" from their titles. In 1999 an amendment to the Law on Public Associations codified this announcement by prohibiting political and social organizations from using the words "Belarus," "Republic of Belarus," "national," or "popular" in their titles. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Prodemocratic NGOs reported that only 1,268, or 57 percent of the NGOs in existence when the reregistration law went into effect, were reregistered by the summer of 2000. A total of 202 NGOs were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year's end.

In 2001 the Ministry of Justice outlawed the activities of Independent View, an independent domestic election monitoring organization, on the grounds that the organization failed to register with the authorities. They made this decision despite the fact that Independent View was a name for a joint initiative launched by several officially registered democratic NGOs.

c. Freedom of Religion

The 1994 and 1996 Constitutions provide for freedom of religion; however, the authorities restricted this right in practice. Although both Constitutions affirm the equality of religions and denominations before the law, the 1996 Constitution stipulates that cooperation between the State and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

On October 22, the Parliament approved a new law on religion, despite protests from international and domestic human rights organizations as well as Orthodox religious groups not affiliated with the Russian Orthodox Church. The law contains a number of very restrictive elements. Observers fear

that the regime will use these provisions to hinder and to prevent the activities of non-Russian Orthodox religious groups. According to the new law, which took effect in November, all religious organizations must undergo compulsory reregistration during the 2 years following its passage. In order to become registered, religious groups must meet specific requirements for the size of their membership and number of years during which they had been active in the country. This would prevent the registration of groups that have become active in the country only recently. Registered religious organizations must have 20 members and have been active for at least 20 years. Regime officials stated publicly that no organization that was registered when the law was enacted would lose its registration status even if it failed to meet the new criteria for registration, but the leaders of some minority religious groups were skeptical of this assurance. In addition to specifying minimum membership and years of activity in the country, the law restricts the ability of registered religious organizations to conduct religious education, requires all religious groups to receive governmental approval to distribute literature, and prevents foreigners from leading religious organizations. The authorities began to enforce the new religion law against nontraditional faiths. On December 27, police in Grodno detained and warned members of a local Hare Krishna organization who were distributing religious material without permission.

Before and during the June debate on the draft law on religion, several deputies in the lower house of the Parliament made statements that were xenophobic and anti-Semitic. Sergei Kastysyan reportedly charged that the adoption of the religion law was necessary to "put up a barrier against all these Western preachers who just creep into Belarus and discredit our Slavic values." During the June 26 debate in the lower house, at least one deputy argued that Jews should not be considered citizens of Belarus. Another deputy suggested that a "reservation" be established for religious minorities.

There is no state religion; however, the authorities pursued a policy favoring the Russian Orthodox Church as the country's chief religion and harassed other denominations and religions. During his May Easter address, Lukashenko said, "The State has always stayed and will stay beside the Church, which brings good to the people." Following the address, the regime earmarked approximately \$570,000 (1 billion rubles) for the construction of an Orthodox Church in Mogilev.

Besides granting the Russian Orthodox Church special financial advantages that other denominations did not enjoy, Lukashenko has declared the preservation and development of Russian Orthodox Christianity a moral necessity. The authorities also encouraged a greater role for the Russian Orthodox Church, largely as part of an overall strategy to strengthen "Slavic unity" in the region and promote greater political unification between Belarus and Russia.

The Committee of Religious and Nationalities Affairs (CRNA) (formerly known as the State Committee on Religious and National Affairs) describes some religions and denominations, including Russian Orthodoxy, Roman Catholicism, Orthodox Judaism, Sunni Islam and Lutheranism as traditional. Some, including some Protestant and other faiths, were viewed as nontraditional. Other faiths, including many Eastern religions, were viewed as sects. This categorization affected the overall attitude of the regime toward these religions, including the ease or difficulty they faced in registering.

The new law on religion passed in October added additional criteria for registration of religious groups, allowing only nationally registered congregations to invite foreign religious workers and open new churches. Without registration, it is also extremely difficult for a religious organization to rent or purchase property for religious services. As a result, police disrupted some peaceful services and religious meetings that were being conducted in private homes because they were held by unregistered religious groups.

The CRNA claimed during the year that 26 religious denominations were registered officially. However, the authorities continued to refuse legal registration at the national level to some faiths considered to be nontraditional, and to all groups considered sects.

According to the regime, the law permits residential property to be used for religious services only after it has been converted from residential use. In 2000 local authorities began enforcing this statute, effectively requiring all religious organizations to reregister their properties as religious

properties. Although government figures indicate that 110 religious communities, including 34 Protestant denominations, had their property registered through this process, one Protestant group reported that over 50 percent of Protestant groups were denied registration by local authorities during the reregistration period.

Religious groups that cannot register often were forced to meet illegally or in the homes of individual members. A number of nontraditional Protestant faiths have not attempted to register because they believe that their applications would not be approved.

The regime issued a decree specifying measures to ensure public order and safety during public gatherings. Meeting hall officials have cited this decree as a basis for canceling or refusing to extend agreements with religious groups for the use of their facilities. Nontraditional groups were unable to rent space in meeting halls to conduct prayer services. The Catholic Church opened a new church in Minsk in June; however, it cited difficulties in receiving permission from local authorities to build additional churches in Minsk.

Many Protestant and nontraditional groups experienced problems obtaining property. In August, after a delay of more than 18 months, the CRNA denied permission to the Krishna Consciousness Communities for the construction of a community center. The CRNA denied a registration application by the True Orthodox parish in Minsk that filed its paperwork in June. The delay comes despite a requirement for the CRNA to respond to an application within 3 months of its submission. In 2001 the Government refused permission to the registered New Life Evangelical Church to build a church in Minsk. The Muslim Association in Belarus is registered, but has been unable to construct a mosque in Minsk since local authorities imposed a high tax on the land where the mosque will be built.

On August 1, in the town of Pogranichny, local authorities demolished the church of the Belarusian Autocephalous Orthodox Church (BAOC) that they claimed was built illegally, since the building permit specified a private house. The church was demolished despite the fact that the order to destroy the church was being appealed by the BAO. Local courts continue to refuse to hear appeals made by the BAO to overturn the Lukashenko regime's decision not to register their churches.

Citizens were not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. During the year, the regime heavily fined and detained members of unregistered religious groups that engaged in illegal religious activity. Throughout the year, members of the unregistered Hindu community Light of Kaylasa were harassed routinely by local authorities. On July 16, police arrested 18 members of this community as they were preparing to hold a meditation ceremony in Minsk park. Several of those arrested were jailed for 2 days and heavily fined. In a separate incident, 12 members of the Light of Kaylasa were arrested and sentenced to 10 days in jail for participating in an unsanctioned demonstration in downtown Minsk to protest against discrimination against religious minorities. In August unknown assailants attacked several members of the Light of Kaylasa group.

On November 8, the Keston News Agency reported that police detained two Catholic demonstrators who protested against the new Law on Religion outside the Parliament building in Minsk.

Foreigners were prohibited from heading churches, and could only preach at registered churches. They may be invited to the country only with the approval of the CRNA. Foreign missionaries may not engage in religious activities outside the institutions that invited them and must have spiritual activities visas valid for 1 year. Obtaining such visas was a difficult bureaucratic process, even for individuals whose religions are registered with the authorities and have a long history in the country. Foreign clergy or religious workers who did not register with the authorities or who have tried to preach without regime approval or invitation from a registered religious organization have been expelled from the country. Although there were no reports of such expulsions during the reporting period, several Polish Catholic priests were denied entry into the country, despite having valid visas.

The Roman Catholic Church continued to experience a shortage of qualified native clergy, and at times the Church has had difficulty receiving permission from the authorities to bring in a sufficient number of foreign religious workers, mostly from Poland, to make up for the shortage. The regime indicated that foreign priests no longer would be allowed to work in the country; however, 400 Polish pastors were still allowed to work in the country. Bishops must receive permission from the CRNA before transferring a foreign priest from one parish to another.

Authorities in Minsk issued no reports of progress in their continuing investigation into a December 2000 firebombing of a local synagogue.

Restitution of religious property remained limited. There was no legal basis for restitution of property seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes.

There were a number of acts of vandalism against religious groups during the year. In January an evangelical Christian group reported that vandals attacked a guard at one of their churches and tied him up. An eyewitness reported that the vandals painted pentagrams on church walls and that a dead cat was found in the church. A Baptist organization reported that unknown individuals smashed the windows of several Baptist churches. In April and July, vandals damaged Jewish cemeteries in several cities. In July a Muslim cemetery in Grodno was vandalized. On July 16, local authorities in Borisov detained a teenager on suspicion of vandalizing a local Jewish cemetery. A Full Gospel Christian church in Gomel reported that unknown vandals damaged its property in August and November. In November unknown vandals defaced a mosque in Slonim and vandalized property belonging to a Full Gospel Christian's Living Faith Church in Gomel. Holocaust memorials in several cities were vandalized during the year.

For a more detailed discussion see the [2002 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

According to both the 1994 and 1996 Constitutions, citizens are free to travel within the country and to live and work where they wish; however, the authorities restricted these rights in practice. Passports served as primary identity documents and were required for internal travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a propiska (pass) or a registered address. Under that article, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually affected the practice by local security officials was unknown. In practice the right to choose one's residence remained restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the propiska system, but this has not been implemented and the propiska system was still in effect at year's end.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain exit visas valid for 1 to 5 years. Once the traveler has this document, travel abroad was not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas to some opposition activists in an effort to hinder their political activity abroad. In June the authorities refused to issue an exit visa to Andrei Klimov, a former deputy of the 13th Supreme Soviet who was jailed for 4½ years (see Section 1.e.). The regime also delayed issuing passports to opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

On October 10, the Minsk City Lawyers Collegium denied prominent human rights lawyer Vera Stremkovskaya permission to travel abroad to attend several international forums. At year's end the authorities had not issued passports to family members of BAOC priest Yan Spasyuk despite the fact that the necessary documents were submitted in November 2001 (see Section 2.c.).

The regime also limited the travel abroad of members of youth groups that were not considered pro-regime. On March 5, 10 representatives of several opposition parties, NGOs, and media agencies were detained for several hours and subjected to personal searches at the Belarusian border while traveling in a vehicle belonging to OSCE. In July and August, authorities began arbitrarily enforcing a law that requires those traveling to border zones to obtain an entrance pass (propusk). Observers believed that the decision to enforce the law was intended to prevent reporting on the August 1 destruction of a BAOC church in the border town of Pogranichny (see Section 2.c.). On July 26, a local journalist was fined \$57 (100,000 rubles) for allegedly violating a frontier zone. On August 1, three journalists covering the story were detained on the same charge; one was sentenced to 15 days' imprisonment. The other two were initially fined but the fines were subsequently dropped.

The law restricts the emigration of individuals with access to sensitive state information, and any citizen involved in a criminal investigation also was ineligible to emigrate; however, the authorities did not generally deny any citizen permission to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. There is no law on first asylum, nor has the regime signed readmission agreements with any of its neighboring states. The authorities cooperate with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. As of December there were 642 recognized refugees in Belarus, the majority of whom are from Afghanistan, Georgia, Tajikistan and Ethiopia. As of December, the regime had approved 57 of 113 applications for refugee status filed by applicants. In May the UNHCR opened a center in Vitebsk providing temporary accommodations for 30 persons. The UNHCR noted in a 2000 report that the Minsk city and Minsk regional migration services regularly refused to accept illegally arriving new refugee applicants and instructed such persons to apply with migration authorities in other regions. Regional migration services also continued to refuse applications for refugee status from asylum seekers who came through countries, primarily Russia, that they considered to be safe.

There were no reports of the forced return of persons to a country where they feared persecution; however, refugees often were persons from third world countries seeking to pass through Russia and then Belarus en route to other European countries. The Government often deported such individuals to Russia, despite the fact that the UNHCR does not consider Russia to be a safe country for such purposes.

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

The regime has effectively denied citizens the right to change their government. The President dominates all branches of government. Since his election in July 1994 to a 5-year term as the country's first President, he has consolidated power steadily in the executive branch. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office and ignored the Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner.

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except, in theory, in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees with powers equal to that of law in specific, urgent circumstances, a provision Lukashenko has interpreted broadly. On December 10, local election commissions were formed for the March 2003 municipal government elections. Local executive committees and city councils admitted 13,448 persons to the election commissions; 61 were representatives of political parties and 56 percent had prior election experience. The Central Election Commission (CEC) stated that prior experience in an election was an important factor in considering a nominee's application. Of the 61 political party representatives, 21 represented the pro-Lukashenko Communist Party of Belarus and 2 represented the pro-Lukashenko Agrarian

Party. The opposition Belarusian Party of Communists received 19 seats, the Liberal Democratic Party received 11 seats, and the Belarusian Social Democratic Party, Narodnaya Hramada, received 5 seats. The United Civic Party, Belarusian National Front and Social Democratic Party Hramada each received one seat.

During the year, the regime used several tactics to intimidate and restrict the ability of opposition leaders and groups from organizing and publicizing their views. Authorities added three articles to the Criminal Code that made libel of the President a criminal offense. These articles were used to punish not only opposition party members but independent media as well (see Section 1.d.). During the year, the regime used excessive force to disperse demonstrations by opposition parties (see Section 1.c.). On several occasions the regime directly interfered in the affairs of political parties and organizations. Following intense regime pressure on members of the Women's Party, on August 14 party members voted to replace former Women's Party leader Valentina Polevikova with pro-regime member Valentina Matusevich. Polevikova's removal from power caused a split in the party with Polevikova and Matusevich each leading a different faction of the Women's Party. Observers claimed that the purpose of the regime's pressure to oust Polevikova was to prevent the Women's Party from merging with two Social Democratic parties. Lukashenko called for the pro-Government Communist Party of Belarus to absorb the larger, anti-Lukashenko, Belarusian Party of Communists. On September 6, the pro-Government Belarusian Patriotic Youth Party and the Belarusian Youth Party merged into the Belarusian National Youth Party (BNYP). The merger was orchestrated by Lukashenko and government officials. The new party was given the objective of addressing major problems affecting youth and the regime promised to fund it for 3 years. Most political parties claim to have youth and women movements.

The September 2001 presidential election in which Lukashenko was reelected for a further term was described by the OSCE as fundamentally flawed. The OSCE/ODIHR observer mission, which was hampered by the regime's refusal to allow the mission to travel to the country until 3 weeks before the election, noted in its final report that conditions in the months before the election precluded the possibility of a free, fair, transparent and accountable election. The environment did not provide an equal opportunity for contestants or for the possibility that the public would be informed about the choices available. During the election campaign, coverage of politics, including the election, was very limited. The President and executive branch dominated political coverage in both the electronic and print media.

The regime restricted freedoms and undermined human rights in the period prior to, during, and after the election (see Sections 1 and 2). In the period prior to the election, the regime led a sweeping crackdown on antiregime materials, campaign materials, and internationally-supported, nonpartisan, "Get Out the Vote" materials, in addition to beatings, arbitrary detentions, and searches of opposition members and supporters (see Sections 1.c., 1.d., and 1.f.). The regime also made use of its near-monopoly of the mass media to undermine all opposition candidates, particularly Vladimir Goncharik, who was regarded as the most credible opposition candidate. The OSCE/ODIHR Limited Election Observation Mission documented 26 separate incidents of human rights violations involving freedom of the press and expression (see Section 2.a.). On September 5, just 4 days before the election, the major State-owned newspaper doubled its print run to print the election platform of the incumbent, in direct contradiction of CEC regulations. The regime-appointed CEC took no action. The head of the CEC stated publicly that it would be a personal tragedy for her if the incumbent lost.

The voting and vote counting processes further restricted the rights of citizens to change their government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists provided several possible avenues for vote manipulation. However, most of the irregularities were not immediately reported. The OSCE/ODIHR also observed that the Electoral Code did not allow a transparent audit by election observers, which raised questions about the overall integrity of the process. This was a particular concern in light of the total domination of voting commissions, which were charged with conducting the election, by regime supporters. In some cases, members of the precinct electoral commission themselves openly expressed disagreement with the final announced tally, suggesting that it did not reflect the count conducted; however, they were silenced rapidly. The physical speed with which some of the counts were conducted also was suspect, since those precincts with the largest geographic area and those with the highest turnout were always among the first to report results.

For example, the OSCE noted that only 2 hours after the close of polling stations, Minsk Oblast, excluding the City of Minsk, had reportedly counted 70.7 percent of all ballots, whereas Minsk City had at that point counted only 6.56 percent.

A large difference between the results of pre-election polls and the official tally also suggested widespread manipulation of the totals.

The October 2000 parliamentary elections also failed to meet international standards for democratic elections. The regime severely restricted public participation on the electoral commissions and candidate registration procedures were abused systematically to prevent candidates opposed to the regime from getting on the ballot. Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates' access to the media and the voters' choice of candidates. During the elections, provisions for early voting, mobile ballot boxes, vote counting, and the aggregation of results fell far short of minimum transparency requirements for independent verification.

Of the 107 deputies in the Lower House of Parliament, 12 were women, while 18 of the 63 members of the Upper House of Parliament were women. With the exception of the judiciary, social barriers to women were strong, and men held virtually all of the leadership positions. The Minister of Social Security was the only female member of the Council of Ministers. The head of the regime's Central Election Commission was also a woman.

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

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also harassed NGOs by bureaucratic means.

On November 27, the Minsk city Justice Department issued a warning to the Human Rights Center for having changed the emblem displayed above the organization's entranceway without permission. The Center also was cited for changing its address to one not listed in its registration documents, for not numbering the minutes of its meetings, and for discussing issues that were allegedly inconsistent with the objectives set out in its charter. If the organization received another warning within a year, it would be subject to closure by the authorities. Some observers linked this treatment with local elections scheduled for March 2003.

In 2001 prior to the Presidential elections, the authorities attempted to limit the activities of NGOs by implementing a time-consuming reregistration process, rejecting their registration applications, conducting questionable tax audits, confiscating their equipment, and denying them access to foreign support (see Section 2.b.). There were widespread robberies of offices of several media outlets and NGOs that were investigating independently the disappearances of prominent individuals associated with the opposition. In all cases, computers were smashed, but not stolen; only hard drives or floppy disks were removed, and nothing else of value was taken. Most human rights observers believed that members of the security services perpetrated these robberies. While break-ins and questionable tax audits were particularly widely used in the 2001 pre-election period, they remained problems in 2002 as well.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGOs whose members have been allowed to visit the country; however, members of some NGOs have been refused permission to make such visits, and the authorities have increased their harassment of international NGOs working in the country. The authorities regularly harassed NGOs through taxes.

In April the regime demanded that the mandate of the OSCE Advisory and Monitoring Group (AMG), which it accused of supporting the opposition against the regime in the 2001 elections, be

renegotiated. Acting Head of Mission Michel Rivollier was the first OSCE official to depart Belarus when his diplomatic status expired on April 15. The government decision to deny AMG visa extensions to representatives in Belarus effectively forced the mission to close in October when Alina Josan, the last OSCE official administrator, departed the country. On December 30, the regime signed an agreement with the OSCE that would permit a new OSCE office to open on January 1, 2003.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Both the 1994 and 1996 Constitutions state that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, they do not specifically prohibit discrimination based on factors such as race or sex. Racial and national groups, women, and persons with disabilities experienced discrimination.

Women

Although statistics were not available, women's groups reported that domestic violence, including spousal abuse against women, was a significant problem. Spousal abuse is punishable under the Criminal and Administrative Codes. Non-severe beating is punishable by a fine or up to 15 days imprisonment, while more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforced the laws against domestic violence, and that the courts generally impose these sentences. The primary problem remained a widespread reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in the outlying regions. According to government statistics, from January to September, 13 persons in Vitebsk Oblast were charged with operating brothels. Street prostitution appeared to be growing as the economy deteriorated, and prostitution rings operated in state-owned hotels. Trafficking in women was a serious and growing problem (see Section 6.f.).

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault deal with the problem.

The law requires equal wages for equal work; however, it was not enforced always in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. According to the Belarusian Helsinki Committee in March, women made up a large percentage of those being trained for future employment in education (75 percent of those being trained), textile and light industry (84 percent), the food industry (79 percent), economics (69 percent) and medicine (69 percent), while relatively few women are being trained in radio technology (6 percent), automation production (12 percent) or computer technology (19 percent). Women reported that managers frequently considered whether a woman has children when examining job candidates.

The level of women's education generally was higher than that of men. Women constituted approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. However, between two-thirds and three-fourths of workers with a higher education (mostly women) lived beneath the official poverty level. Women were equal in law to men with regard to property ownership and inheritance.

Women's groups were active and focused primarily on such problems as child welfare, environmental concerns (especially the after-effects of Chernobyl), and the preservation of the family. In June the Belarusian Women's Forum met in Polotsk to develop a strategy to improve the status of Belarusian women. Among their recommendations were the establishment of new educational programs, gender surveys, and information activities for strengthening the women's movement in Belarus. There was also an active women's political party (see Section 3).

Children

The authorities were committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl. With the help of foreign donors, they have tried to give children special attention. During the year, the Belarusian Children's Hospice operated two regional hospices in Vitebsk and Gomel. By law all inhabitants, including children, were entitled to health care. There was no reported difference between the treatment of girls and boys in the provision of either health care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also was available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty in Belarus were families with multiple children or single mothers.

There did not appear to be a societal pattern of abuse of children.

Trafficking in girls was a problem (see Section 6.f.).

Persons with Disabilities

Discrimination against persons with disabilities in the provision of employment, education, and other state services was a problem, as was social discrimination. The law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities. However, facilities, including transport and office buildings, often were not accessible to persons with disabilities. The country's continued difficult financial condition made it especially difficult for local governments to budget sufficient funds to implement the 1992 law. At the same time, government statistics indicated that more than 72,000 persons with disabilities underwent rehabilitation at rehabilitation centers. The regime promised to construct at least one or two wheelchair accessible facilities in regional and district centers by the end of the year; however, according to the Republican Association of the Disabled, the regime had not undertaken any significant measures to do so by year's end. Some private buildings were made accessible to the disabled.

According to the Belarusian Disabled Society, the regime has taken steps that have raised concerns among citizens with disabilities. The regime's decision to support only government-run rehabilitation facilities, which were costly for the national budget and less suitable for patients than rehabilitation facilities that were run by NGOs, had a negative effect on the quality of care. The regime also decreased tax privileges for employers specializing in disabled labor and abolished some general employment guarantees for individuals with disabilities.

On May 7, the National Association of Wheelchair Users protested government inaction in addressing the concerns of persons with disabilities. According to Sergei Drozdovsky, leader of the National Association of Wheelchair Users, the regime failed to implement their program to make public places in Minsk wheelchair accessible, despite promises that it would do so.

The central authorities continued to provide some minimal subsidies to persons with disabilities and foreign and domestic charities operated in Belarus to care for disabled children. In May the charity Alesya was registered with the Ministry of Justice. The organization's aim was to provide medical aid and educational support to orphaned children and children with disabilities.

Evidence indicates that funding for persons with disabilities was not a priority for the regime. According to a 2001 article in *Narodnaya Volya*, an independent newspaper, the budget provision for that year for persons with disabilities was \$65 (114,958 rubles), compared to \$800 (1.4 million rubles) for the Belarusian Patriotic Youth Union, a proregime patriotic organization.

National/Racial/Ethnic Minorities

The law grants citizenship to any person living permanently on the territory of the country as of

1991. Those who arrived after that date and wished to become citizens were required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and to have lived in the country for 7 years.

Despite a July 24 statement by President Lukashenko that there were no grounds for anti-Semitism in the country, regime officials continued to take a number of actions indicating a lack of sensitivity toward the Jewish community. In January authorities in Brest arrested and later released a 17-year-old for desecrating a Holocaust memorial. Construction of an apartment complex continued on the site of a demolished synagogue in downtown Minsk, despite protests from the Jewish community, with construction set to begin on the site of another former synagogue. Several government officials publicly made anti-Semitic statements in the media. According to a June 24 report in Belapan, Sergei Kastysyan, who heads the International Affairs Committee of the lower house of Parliament, blamed Russian President Vladimir Putin's decision to slow down a proposed integration plan between Belarus and Russia on Putin's "execution of an order from the Jewish lobby." During a November 25 interview with the newspaper Belorusskaya Gazeta, Kastysyan said he opposed attempts to "turn Belarus into a springboard for Zionism." He added, "If a mosque or a synagogue stands in the way of the city development plan, I believe it is acceptable to bulldoze it." His remarks were in response to a November 15 appeal by 75 of 109 members of the lower house of Parliament calling on President Lukashenko to prevent the destruction of Jewish cultural landmarks in Minsk.

During the year, skinheads and Russian ultranationalists attacked foreigners as well as those involved in promoting Belarusian culture. Members of the Russian ultranationalist group Russian National Union (RNE) attempted to break into an office of the Belarusian cultural organization Belaruskaya Khata. The organization reported that its phone lines were cut, and its office door was damaged and defaced with swastikas. On December 16, 10 members of the RNE attacked a female member of the unregistered youth group Zubr on a train while she was distributing literature.

In two separate incidents in May and August, skinheads attacked several foreign Jews in downtown Minsk. In one incident, police arrived at the scene but did not arrest the assailants. In September, unknown assailants attacked a rabbi and his son near the Russian Embassy in Minsk. Local guards at the Embassy assisted the rabbi and notified the police who opened an investigation into the incident which was pending at year's end.

On December 12, four Vitebsk youths were sentenced to 3½ to 6 years' imprisonment for attacking students from India, Lebanon, and Nepal in 2001. Local human rights observers disputed the charges and criticized the heavy sentences against the four youths, claiming that the four were involved in a simple fistfight that was not racially motivated. On December 18, approximately 100 skinheads attended a rock concert in Orsha held by the Russian band Kolovrat, whose members have ties to the RNE. The local chapter of the pro-regime Belarusian National Youth Movement organized the concert. Local Members of the Russian ultranationalist National Bolshevik Party participated in several demonstrations in Minsk.

The Jewish community's December 2001 appeal of a judge's decision to allow a state-owned company called The Orthodox Initiative to publish an anti-Semitic book was denied. An earlier judge had denied the appeal in March 2000, claiming that the book contained scientific information and was therefore not within the jurisdiction of the court.

Anti-Semitic material, mostly imported from Russia, could be found throughout Minsk. The Pravoslavnaya Kniga (Orthodox Bookstore), owned by the Orthodox Initiative, continues to sell anti-Semitic and Russian ultranationalist literature. Although the Russian Orthodox Church claims that it has no ties to the bookstore, it has not criticized the store for selling such material. Anti-Semitic literature is also sold at kiosks that sell Russian Orthodox literature, including at one located in the National Academy of Sciences.

Legally the Russian and Belarusian languages share equal status; however, the regime at times harassed those that used the Belarusian language or promoted Belarusian nationalism. As part of the regime's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion or teaching of the Belarusian language to students by limiting the availability of early childhood education in Belarusian. In its

June 2000 report, the Belarusian Helsinki Committee reported that only 30 percent of students in primary schools were instructed in Belarusian. In Minsk only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the numbers were significantly lower. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

Section 6. Worker Rights

a. The Right of Association

The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights were not respected in practice. Measures to suppress independent unions included arresting members of independent trade unions for distributing union literature, confiscating union material, denying union members access to work sites, excessive fines, and pressure by their managers and state security services on union members to resign from their jobs because of trade union activities.

The authorities have taken numerous measures to suppress independent trade unions and during the year engaged in unprecedented interference in the work of the Belarusian Federation of Trade Unions (BFTU). In June they orchestrated a government takeover of the BFTU and several national unions leading to an official complaint to the International Labor Organization (ILO). Late in 2001, the regime attempted to restrict the unions by refusing to turn over to the unions dues paid by members. Once it became clear that the unions and the BFTU were adjusting to this change, the regime in June embarked on a takeover of the BFTU and several of its branch unions. The BFTU subsequently became an arm of the Government and the June election of Leonid Kozik to the position of Chairman of the BFTU has been challenged by the ILO.

In 1999 Lukashenko signed a decree that requires trade unions to enroll a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The decree also obliges existing registered unions to re-register and to meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The BFTU, formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and was by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some BFTU leaders became increasingly vocal in their criticism of the policies of the Lukashenko regime. In retaliation the regime has threatened and harassed some BFTU officials.

Following the December 2001 government-inspired removal of Vladimir Goncharik as chairman of the BFTU, the regime attempted to destroy the trade union federation and branch union structure. For the first several months of the year, the regime continued to withhold collected union dues and then abolished the checkoff system for dues withholding. The authorities prohibited employers from withholding union dues. In addition, the regime instigated several attempts to form management-inspired "yellow unions" at major enterprises. Despite these pressures, the BFTU and the branch unions continued to exist and began the transformation from nonrepresentative state dominated unions into truly representative trade unions. In response to this, the regime orchestrated the removal of Franz Vitko as chairman of the BFTU and in June replaced him with Leonik Kozik, the candidate and senior official within the Presidential administration Lukashenko handpicked. Subsequently, the collected union dues were returned. Since June Kozik has purged the BFTU of union activists and replaced them with KGB agents. He has fired the editor of the *Rabochy* newspaper. He orchestrated the removal of Alexander Yaroshuk, the chairman of the Agricultural Branch union (the largest state union in the country, with approximately 1 million members), and

has attempted to remove two other reform minded branch union heads. These actions, along with Kozik's radical shift away from union activism to progovernment agitation and integration of the BFTU into the government structure, led the ILO at its November congress to challenge the BFTU's representation in ILO and Kozik's election as chairman.

Members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of Rabochi, a newspaper about labor issues, into their workplace under their clothing.

In 2000 noting that the authorities failed to respect the rights of workers, suppressed trade union rights, harassed union leaders, and had not taken sufficient steps to conform to internationally recognized labor rights, a foreign government suspended the country's trade benefits.

By law unions are free to affiliate with international bodies. At year's end, the BFTU was attempting to join the International Confederation of Free Trade Unions (ICFTU); the independent unions already were affiliated with ICFTU.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises have hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.). Provisions of a 1999 presidential decree intended to place all workers on individual rather than collective contracts were criticized heavily by both independent and official union leaders, who believe that they were designed principally to enable the Presidential Administration to increase its control over the labor sector. These provisions had not been implemented by year's end.

The Constitution provides for the right to strike; however, tight control by the regime over public demonstrations made it difficult for unions to strike or to hold public rallies furthering their objectives (see Sections 1.d. and 2.b.).

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports of forced labor. Workers who refused to "volunteer" for the harvesting of livestock fodder were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. Students also were forced to participate in potato harvesting activities.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively.

e. Acceptable Conditions of Work

The minimum wage was \$9 (17,000 rubles) a month, which did not provide a decent standard of living for a worker and a family; however, average real wages improved during the year from approximately \$60 (72,000) to \$110 (200,000) a month. During the Presidential campaign in 2001,

President Lukashenko decreed that average wages would be increased from approximately \$65 (78,000) to \$100 (120,000 rubles) a month. Authorities reported that average wages were slightly more than \$106 (127,200 rubles) a month in 2001, although independent analysts reported the figure was lower. According to the International Monetary Fund (IMF), the wage increase was accomplished by accumulating arrears to suppliers and by other unsustainable means.

The country's continuing economic problems made it difficult for the average worker to earn a decent living, and major wage arrears continued to grow, especially in the agricultural sector. The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. In reality, because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often were ignored. Workers at many heavy machinery plants did not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate existed but did not have the authority to enforce compliance, and violations often were ignored. According to the Labor and Social Security Ministry, through the end of November, 211 workers died and 603 were injured seriously in workplace accidents. The high accident rate was due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

A 2002 Presidential decree lowered the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous.

The Labor Code accords foreign workers the same protections as citizens.

f. Trafficking In Persons

The law prohibits trafficking in persons; however, trafficking in persons was a serious and growing problem. There were no reports of official involvement in trafficking; however, observers believed that given the extensive corruption that exists within the police and other agencies of the regime, such involvement was likely.

Provisions of the Criminal Code that entered into effect at the beginning of 2001 penalize trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years' imprisonment. The Ministry of Internal Affairs acknowledges that Russian criminal organizations may try to lure and recruit women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who are associated with organized crime and drug trafficking, entice their victims through advertisements for lucrative jobs in newspapers and on the Internet.

According to government statistics, Belarusian law enforcement agencies broke up 10 trafficking rings run by international organized criminal groups during the year, including 2 in March. In December a district judge in Gomel found two residents of the city guilty of trafficking women to Turkey and Israel and forcing them into prostitution. The perpetrators were sentenced to 3- and 4-year terms in a medium-security institution.

Also during the year, a citizen was sentenced to 8 years' imprisonment for abduction in a trafficking related case. Authorities in Minsk charged a Romanian citizen with trafficking women to Cyprus. He received a 1½-year sentence under article 187 (recruitment of persons for the purpose of sexual exploitation). A couple in Minsk were sentenced to 3 years and 6 months under the same law and also were found guilty of violating article 18 (organized crime). In Polotsk two individuals were

arrested for trafficking Belarusian women, including underage girls, to Russia. According to government statistics, 15 members of organized criminal gangs were sentenced to 6 to 8 years imprisonment for trafficking. A criminal case against a trafficker was opened in the region of Grodno, in which a man was charged with trafficking at least 35 women from Belarus to Poland over a period of 2 years. There were convictions in 12 of the 15 cases. When the case was tried first in 2000, the accused received a 4-year sentence for pandering but the Grodno Regional Court dismissed the verdict and ordered a new investigation in order for the defendant to be charged under the new Criminal Code. However, the prosecution again charged the man with drug dealing and pandering.

The country was both a country of origin and a country of transit for women and girls being trafficked to Central and Western Europe for purposes of prostitution and sexual exploitation. According to an official with Germany's Federal Interior Ministry, in 2001 approximately 1,000 Belarusian women were trafficked to Germany and forced to work as prostitutes. The official estimates that the number during the year was significantly higher. The authorities have not released any statistics, but according to country NGOs, several thousand Belarusian women were victims of trafficking. Belarus was a country of origin and transit for women being trafficked to Russia, Ukraine, Lithuania, Germany, Israel, Poland, Czech Republic, Turkey, Cyprus, Greece, Hungary and the Federated Republic of Yugoslavia.

The authorities have begun to recognize and address the problem of trafficking in persons. In 2001 the Ministry of Interior prepared a 5-year, 33-point strategy to combat trafficking in persons. The strategy covered ways of improving legislation, international cooperation, combating trafficking, and rehabilitation of victims. The strategy included various governmental agencies, such as the Ministries of Foreign Affairs, Labor, Education and the KGB. The Ministry of the Interior and the Ministry of Social Welfare were involved in anti-trafficking efforts. In partnership with the U.N. Development Program (UNDP), the Ministry of Social Welfare established the Gender Information and Policy Center (GIPC), which also dealt with this problem.

Women seldom reported incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation on the subject, and the insufficient protection accorded victims and witnesses. Victims generally were detained until the investigation identified them as victims and they were eligible to be prosecuted for violations of other laws. In January the Belarusian Young Women's Christian Center (BYWCO) became the program coordinator for La Strada Belarus, an antitrafficking campaign. The 3-year program was intended to focus on training for NGOs and government officials, improving government cooperation and public awareness. The International Organization for Migration (IOM) in Belarus also launched a 1-year program to improve trafficking prevention and assistance infrastructure. IOM has set aside resources to provide 100 trafficking victims with reintegration assistance in cooperation with the government and NGOs. Crisis centers established by some NGOs provided psychological assistance to victims of violence. However, such centers did not include specialists in dealing with victims of trafficking.

Under the La Strada program, BYWCO provided trafficking prevention training to regional NGOs and municipalities. The BYCWO established an information telephone line for women traveling abroad for reasons other than tourism. BYCWO receives more than 100 inquiries a month. In November BYWCO increased the hotline's operating hours from 2 to 7 days a week.

