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# Freedom on the Net 2016 - Belarus

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**Country:** Belarus Year: 2016 **Status:** Not Free

**Total Score:** 62 (0 = Best, 100 = Worst)13 (0 = Best, 25 = Worst)**Obstacles to Access: Limits on Content:** 21 (0 = Best, 35 = Worst)**Violations of User Rights:** 28 (0 = Best, 40 = Worst)

**Population:** 9.5 million **Internet Penetration:** 62 percent

Social Media/ICT Apps Blocked: No **Political/Social Content Blocked:** Yes **Bloggers/ICT Users Arrested: Press Freedom Status:** Not Free

#### Key Developments, June 2015-May 2016

- Belarusian users enjoyed considerable improvements in internet speed in 2015-2015 (see Availability and Ease of Access).
- Independent online media and social networks increased in importance as sources of news for Belarusians, especially in the lead up to the October 2015 presidential elections (see Media, Diversity, and Content Manipulation).
- As of 2015, the government began utilizing new amendments to the Media Law to block, close down, and intimidate critical websites (see Blocking and Filtering and Content Removal).
- The authorities continued their persecution of independent journalists reporting online, targeting freelance and unaccredited journalists with administrative penalties (see Prosecutions and **Detentions for Online Activities).**
- The government boosted its legal and technical capabilities to monitor and conduct surveillance on internet users, acquiring sophisticated surveillance technology from Chinese firms (see Surveillance, Privacy, and Anonymity).

#### **Introduction:**

Internet freedom improved in Belarus in the past year, with faster internet speeds, and relaxed rules facilitating more public Wi-Fi access, while independent online media outlets increased their reach. Nevertheless, the authorities temporarily blocked a lifestyle website under new media laws.

The internet has increased in importance as a source of independent information, with greater numbers of Belarusians going online to find reliable news, while state sponsored mass media declines in popularity. More Belarusians are able to access the internet, with gradual improvements in coverage and speed as well as further development of internet infrastructure. The government has also relaxed some laws relating to public Wi-Fi access, meaning public venues are no longer required to obtain a license before offering Wi-Fi.

Despite improvements in connectivity, the authorities have continued censoring some information online, with newly amended media laws granting authorities greater powers to control content. In addition to blocking access to websites, the Ministry of Information issues warnings to websites, prompting the removal of articles and pages.

Since late 2014, structural weaknesses, aggravated by Russia's economic crisis, have produced rising inflation and unemployment. Belarus experienced a recession in the last year, with GDP falling 3.5 percent and the ruble losing more than half its value against the dollar. GDP fell another 4 percent in early 2016. These challenges have placed additional economic pressure on non-state media.

Nevertheless, the online sphere in Belarus is relatively vibrant, and citizens regularly launch campaigns online, such as a crowdmapping election monitoring initiative launched in the lead up to the October 2015 presidential elections.

As the EU lifted a five-year freeze on relations with Belarus in February 2016, the regime has practiced relative restraint in relation to online expression, with fewer arrests and instances of violence against journalists and social media users in the coverage period. However, freelance journalists continue to operate in a legal limbo which allows authorities to hamper their work by issuing administrative penalties, and at least 25 administrative cases were launched against freelancers working online within the past year. The authorities continue to boost their considerable surveillance powers, enacting a law which requires internet service providers (ISPs) to retain user information about their subscribers' activities online, and hand the information to authorities on request.

#### **Obstacles to Access:**

Despite several years of economic stagnation and a significant downturn in 2015-2016, the Belarusian government continued to invest in the country's internet and ICT infrastructure. In its 2015 Report, the International Telecommunication Union (ITU) found Belarus to be among the world's most dynamic countries in terms of growth of households with computers and internet access, mobile broadband penetration, mobile cellular subscriptions and international internet bandwidth per internet user. In terms of the ITU's ICT Development Index (IDI), Belarus continued to advance in the rankings. It ranked 36th in 2015, climbing 14 spots since 2010, and has the highest IDI in the Commonwealth of Independent States region. [1]

Availability and Ease of Access

The International Telecommunication Union (ITU) reported Belarus' internet penetration rate as 62 percent in 2015, compared to just 32 percent in 2010.<sup>[2]</sup> The independent organization Gemius reported that the number of Belarusian internet users increased by almost 81,000 in 2015. Though this growth in the overall online audience was not pronounced, the increase in the number of daily users is a major trend.<sup>[3]</sup> More than 5 million Belarusians – 70 percent of the population aged 15 to 74 – were regularly accessing the internet by the end of 2015, 87 percent of them daily.<sup>[4]</sup>

Since 2010, the proportion of female internet users rose from 48.7 percent to 52.1 percent. [5] As of December 2014, the share of internet users concentrated in the capital city of Minsk had decreased to 29 percent, and the number of users in towns and rural areas had risen to 39 percent. [6] Some 75 percent of Belarusians live in urban areas, but a digital divide separates the capital and other regions. More than half of urban households have access to the internet, reaching around 57 percent. In rural areas, this figure drops to around 40 percent. [7]

The State of Broadband Report 2015 ranked Belarus 23rd among developing countries, with 57 percent of households connected to the internet, along with 97 percent of companies. The government reported that 84 percent of households accessing the internet did so using broadband. The fixed broadband subscriber base reached 2.8 million by the end of 2015, a penetration rate of almost 30 percent. Belarus has the highest fixed-broadband penetration in the post-Soviet region, with over 3.6 million broadband ports available. During the past year, however, growth has tapered off.

The number of subscribers to Belarus' fixed telephone line network, through which the majority of Belarusian access the internet, remained steady at about 4.4 million. As of July 2015, Belarus had 11.3 million mobile telephone subscribers. The current mobile penetration level in Belarus suggests a saturation of the market. Mobile subscribers are served by 6,500 base stations covering 97.9 percent of the country's territory. [12] Smartphones are becoming cheaper and their share in the mobile market is rising. MTS, the largest of Belarus' three mobile providers, noted that smartphones now make up the vast majority of devices purchased in its stores; providers estimate that smartphones comprise 38 to 50 percent of their networks. [13] This percentage is likely to rise following the launch of 4G and the expansion of 3G service during the past year. In 2015, state-owned Beltelecom added about public 75,000 Wi-Fi hotspots and now operates a total of almost 375,000 throughout the country. [14]

Numbering only 1.8 million in 2011, mobile internet access subscribers had grown to 4.3 million by 2014, with a penetration rate of 46 percent. [15] A government poll conducted in late 2015 found that 59 percent of internet users access the web from mobile devices, and more than 77 percent of Belarusian youth aged 16 to 29 use mobile internet. [16] Nevertheless, only 6 percent of page views in Belarus are made via mobile phones or tablets. [17]

Technological advances in 2015-2016 should improve Belarus' internet capabilities. GPON fiber-optic technology is replacing ADSL lines. Commercial 4G LTE service, which will increase the speed of mobile broadband internet access launched in December 2015. Initially available in Minsk via 150 base stations, the service will be made available in the country's five regional capitals in 2016. The service will be first offered by MTS, and Belarus' other providers are expected to offer the service later in 2016. Belarus providers continue to move towards full 3G coverage; as of October 2015, 3G mobile networks covered 53 percent of the country, where 96 percent of the population lives. In January 2016, a Chinese rocket placed a Belarusian communications satellite into orbit; Belintersat 1 will offer broadband internet, among other commercial services.

On its official website, the government stated that the country's international internet gateway capacity had increased to 783 Gbps in 2015. [24] However, other sources indicated that the gateway had slipped from 770 to 610 Gbps by October of that year. [25]

In general, the speed of the internet improved in Belarus, but the country continues to underperform in comparison to its neighbors. According to Akamai, Belarus' average internet connection speed was 6.1 Mbps in the third quarter of 2015, compared to 3.73 Mbps during the same period in 2014. Ookla ranked Belarus 52nd of 200 countries in its 2015 Household Download Net Index, with an average broadband download speed of 19.85 Mbps. The average broadband upload speed was 16.86 Mbps, which ranked 26th. The mobile download and upload speeds, 8.8 Mbps and 3.3 Mbps respectively, ranked 65th and 71st.

The cost of broadband access via DSL and cable is generally tied to volume, reflecting the pricing structure that Beltelecom uses when selling bandwidth to downstream ISPs. Volume surcharges do not create a barrier for most users. Current prices for unlimited internet access from Beltelecom are approximately US\$4-\$20 per month for individuals, depending on the speed and volume of traffic. [29]

Though internet access continues to be affordable in Belarus, prices for internet access grew as a percentage of Belarusians' household budgets. While Belarus generally ranks well in the CIS in regard to costs, internet access remained relatively expensive compared to European countries. [30] Nevertheless, prices do not generally constitute a barrier to ICT uptake in Belarus.

While Belarus has two official languages – Belarusian and Russian – the majority of citizens use Russian in daily life. In fact, Russian-language broadcast, print, and online outlets dominate Belarus' media and information spheres. As a result, the Belarusian internet is dominated by sites based in Russia. Beltelecom reports that foreign websites make up 95 percent of online traffic in Belarus. Only two or three Belarusian sites are in the top 10 most popular internet sites in Belarus.

By April 2015, almost 75 percent of Belarusian internet users were visiting social media sites. [34] VKontakte is used by about 2.5 million Belarusians a month, and Odnoklassniki is accessed by 1.1 million Belarusians monthly. [35] Facebook is less popular, with 780,000 Belarusian users in January 2016. Young people from 18 to 34 constitute the overwhelming number of social network users in Belarus. [36]

In November 2015, Decree No. 475 abolished the need to have a license from the Ministry of Information to offer Wi-Fi in restaurants, cafes, and other public venues. The decree came into effect on March 1, 2016. [37] However, in that same month, the State Telecommunications Inspectorate ruled that public transportation vehicles can only offer Wi-Fi with its authorization and in consultation with the Ministry of Defense [38]

# Restrictions on Connectivity

The Belarusian government has not imposed restrictions on ICT connectivity or access to particular social media or communication apps permanently or during specific events. However, the authorities possess this capability, since the backbone connection to the international internet is owned by the government.

The state-owned Beltelecom and the National Center for Traffic Exchange are the only entities permitted to handle connections with ISPs outside of Belarus. All commercial providers must purchase internet access from Beltelecom's Belpak gateway. In 2012, the Center replaced Beltelecom in providing access to the points of sharing national traffic (peering). While the government does not limit the amount of bandwidth that access providers can supply, the fact that ISPs depend on Beltelecom allows the authorities to control access speeds for the entire country.

Launched in 1994, the Belarusian domain zone (.BY, often called the "BYnet"), had more than 124,000 registered domain names by February 2016; more than half of these have been registered in the last three years. Since 2014, it has been one of the fastest growing country domain zones in Europe. According to legislation passed in 2010, all legal entities operating in the ".BY" domain must use Belarusian hosting services.

In 2014, ICANN approved Belarus' request for a Cyrillic domain .Đ'Đ•Đ> (.BEL) as an alternative national domain. As of February 2016, the .Đ'Đ•Đ> domain contained over 16,700 registered names. [42] In February 2016, the cost to register or renew a domain increased by 68 percent. Neither current owners nor new registrants were notified of the increase. [43]

#### ICT Market

The IT sector continued to develop strongly in Belarus. [44] The 2015 Global Innovation Index ranked Belarus 67th of 141 countries in terms of ICT development, including infrastructure, a slight improvement over the year before. In terms of ICT access and ICT use, Belarus improved, rising from 35th and 38th place in 2015, up from 45th and 44th place in 2014, respectively. [45] Nevertheless, the country's economic troubles hinder the development of the IT sector. [46]

The Ministry of Communications has issued 180 licenses for ISPs in Belarus; 65 were active in early 2016. [47] The number of licensed providers has declined since 2010. [48] There is competition between internet providers, but more than half the market is controlled by the state-owned Beltelecom. [49] The largest selection and best quality of internet access is available in Minsk, where some 37 companies offer access through ADSL, Ethernet, cable TV, and mobile networks; smaller cities have fewer options. [50]

Despite inflation and devaluation, prices for internet access in Belarus have remained relatively stable. One possible reason is Beltelecom's alleged practice of flooding the market with underpriced packages to reduce competition from private operators. [51] Google and other digital companies which generate significant online traffic also have preferential agreements with Beltelecom, which allow it to engage in predatory pricing. [52]

# Regulatory Bodies

There is no independent regulator overseeing ICTs in Belarus. There is strong state regulation and involvement in the telecommunications and media market. The Ministry of Communications founded Beltelecom in 1995 and continues to regulate the company, undermining regulatory independence. In addition, the Presidential Administration's Operations and Analysis Center (OAC), which was initially a subdivision of the State Security Committee (KGB), has the authority to oversee ISPs, conduct online surveillance, and manage Belarus' top-level domain (.By). Other governmental bodies with authority over this sector include the State Telecommunications Inspectorate, the State Control Committee, the KGB, and the Prosecutor General's Office.

#### **Limits on Content:**

In the past year, the government has utilized the newly amended Media Law to restrict access to some political content online. The amended laws expand the state's powers to limit online content which falls within broad categories such as threatening national interests or promoting extremism. As the internet in Belarus is dominated by Russian outlets, Russian progovernment propaganda and trolls continue to distort the online media landscape. Meanwhile, independent Belarusian outlets struggle for resources, an issue exacerbated by Belarus' economic crisis.

# Blocking and Filtering

In 2015-2016, the government began to utilize the recently amended Media Law to restrict access to websites without a court order. The authorities are empowered to block any site they deem to be problematic. Previously, blacklisted websites were restricted only in public institutions. While the lack of reliable statistics makes it difficult to compare, website administers and netizens report that blocking became a greater problem during the past year.

The amendments, passed in January 2015, treat online media as traditional media, permitting the Ministry of Information to issue warnings, suspend, and file closure suits against online outlets. The Ministry can block access to sites if two warnings have been issued within 12 months, and the scope of reasons to issue warnings has been expanded. The Ministry can also order sites blocked without a warning for posts it deems illegal. The types of information considered illegal has been expanded to include "information, the distribution of which can harm the national interests of the Republic of Belarus." This and other provisions are subject to broad interpretation and can be used to stifle critical media. Whereas it was previously the responsibility of courts to decide what internet posts were illegal, the amendments now empower officials to do so. There are no legal avenues to appeal the blocking of websites in Belarus. The amendments are seen by the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media and other media rights experts as posing a major threat to free speech. [55]

Under the amended Media Law, a blacklist of websites is now maintained by the Telecommunications Ministry's State Inspectorate for Electronic Communication, which makes changes to the list on instructions from the Ministry of Information. Only government agencies and ISPs have access to the blacklist, which is to be reviewed daily. Any government body can add to the blacklist by informing the Ministry of Information about sites that, in its opinion, violate the law. A website can be blocked by a provider after 24 hours, while it may take the Ministry of Information up to a month to restore access to it once all violations are corrected. The blacklist of restricted websites and procedures for adding websites to it remains non-transparent. Experts note that the government's decisions are made arbitrarily, do not require judicial approval, and allow no course for appeal. [56]

In May 2015, the Ministry of Information began warning websites, including a number of political and news sources, that they were allegedly violating the amended Media Law. Freeregion.info, Radio Racyja,

Tuzin.fm (a music portal), the website of the opposition United Civic Party, and the lifestyle website KYKY received letters indicating that their websites contained some unspecified "violations of the mass media legislation."[57]

The first official use of the amended Media Law took place on June 18, 2015, when the lifestyle website KYKY.org was blocked by the Ministry for Information without warning for distributing content harmful to the country's national interests. [58] According to the Ministry, certain articles contained "offensive" remarks about the celebration of Victory Day (May 9) and questioned the importance of the holiday. "thereby distorting the historical truth about the Great Patriotic War" (World War II). The Ministry also claimed that articles included profane language and offensive remarks about "representatives of certain social groups, ethnicities and religious denominations." Public access was restored in six days, after the controversial materials were removed (see Content Removal). Experts speculated that the blocking of KYKY might also have been a warning to other critical media ahead of the October 2015 presidential election.

Ruling No. 6/8, which laid out the mechanisms and procedures for restricting access to websites under the new law, came into force in February 2015. [59] According to the directive, sites will be blocked if they contain information about drug trafficking or other illegal information. Websites also may be blocked if their owners fail to correct violations of the Media Law as required by the authorities. The directive allows not only state agencies but also any individual to propose the blocking of specific websites. Tor and other circumvention tools can also be blocked under the directive. [60] To date, the government has not implemented this aspect of the Ruling, and circumvention tools remain generally accessible in Belarus.

According to the Ministry of Information, the government officially blocked access to 40 websites in 2015. Access to four of the sites was restored. The authorities blocked the sites for allegedly distributing extremist materials, advertising alcoholic beverages, selling drugs, using forbidden language, and promoting child pornography. The Ministry also issued 36 warnings to independent print media, most of which also have corresponding webpages and social media pages. [61] A minimum of four websites were also warned in 2015. [62] At least two have been warned in early 2016. [63]

The authorities increased their efforts to block, close, and regulate e-commerce sites, a practice that began in 2014. The Ministry of Trade reported that it had suspended the operations of 35 internet stores and five electronic trading platforms for various irregularities in 2015. It also drew up as many as 130 claims against online businesses and imposed penalties totaling about BYR 50 million (\$2,830) in the first nine months, 2.5 times more than in the same period of 2014. One internet expert noted that the Ministry of Trade has assumed the functions of an economic and political censor. [65]

Due to its diplomatic and financial interest in reestablishing relations with the EU, the Belarusian government has been relatively restrained in using the new legislation to repress independent news and information websites in the past year. However, there are disturbing indications that this may change. Recently, Belarusian officials have declared that the government should tighten control of the internet. In December 2015, Minister of Education Zhuravkov stated: "You see now on the internet, in social networks, a complete orgy. They should be regulated." [66] In February 2016, Pavel Yakubovich, the editor in chief of the largest government newspaper Sovetskaya Belorussia (Soviet Belarus), warned about the internet's ability to "split society." He called for "improving" Belarus' Media Law to prevent the "degradation of minds" and "confrontational clashes." [67] Henadz Davydzka, chairman of the National State TV and Radio Company, declared that "Anonymity on the Internet must be banned. It is not the first time when we are discussing that. I am a supporter of strict measures." [68]

As in the past, basic techniques such as IP filtering and disabling DNS records were employed. It appears that the authorities do not perform regular or automated monitoring of the accessibility of banned websites, and it generally takes several hours for a new IP address to be blocked. To date, no documented instances of deep-pocket inspection (DPI) filtering have been recorded. However, the Belarusian government is reported to be in possession of equipment and software necessary for DPI. [69]

Content Removal

Until this past year, content removal has not been broadly used by the Belarusian authorities. However, the 2015 amendments permit the Ministry of Information to demand the deletion of information that the authorities deem illegal within broad categories, such as content related to extremism or considered harmful to national interests. [70] The amendments require the owners of websites to remove any online report disputed by any person and to post a refutation in its place. If the publishers do not comply, their sites can be blocked. Website owners are held liable for any illegal content posted on their sites, and can also be punished for abusive or "incorrect" comments left on message boards. [71] These decisions are no longer made by courts but by executive bodies, with no dispute mechanism or right to appeal. Even before the new amendments, online publishers threatened with a claim of defamation or harm to reputation often chose to preemptively remove controversial materials from their websites.

In June 2015, the content removal provision of the new amendments was used for the first time. The Ministry of Information blocked the internet magazine KYKY.org without warning (see Blocking and Filtering).

In addition, the Ministry told the website to remove four articles containing "forbidden vocabulary, disparaging, and sometimes insulting remarks against members of certain social groups, nationalities, and religions."[72] Six days after the administrators complied, access to the website was restored.[73]

In November 2015, the UN Special Rapporteur on human rights in Belarus noted that "critical opinion and fact-finding are curtailed by the criminalization of content that is deemed 'harmful for the State'." The Special Rapporteur noted that, until last year, Belarusians had benefited from free expression on the Internet. However, the recent amendments put practically all internet-based forms of expression under direct government control, authorizing a long list of authorities to remove unwanted content. [74]

Media, Diversity, and Content Manipulation

Destabilizing developments in the region, including Russia's propaganda campaign following its invasion of Ukraine, an economic crisis in both Belarus and Russia, and the 2015 presidential election in Belarus, have had an adverse effect on the online media landscape. With the internet serving as an important source of information for Belarusians, the government has stepped up its efforts to influence and manipulate online content. The authorities also continued to use preferential subsidies to favor progovernment media outlets and accreditation requirements to punish freelance journalists. These measures were not always successful, as more people turned to independent online sources in 2015 and 2016, finding them more credible than state-run media.

Under pressure abroad and at home, the Belarusian authorities attempted to limit independent views and criticism by independent and online media. In his 2015 State of the Nation speech, President Lukashenka said that the government must take a "fresh look" at protecting the information space in order to shield citizens from manipulation. [75] Minister of Information Ananich called on the media to "resist speculation" on economic difficulties [and rather] focus the audience's attention on the achievements of Belarus". In her view, information must not only be accurate, but also must "promote the development of society and the state." Ananich criticized the internet's "destructive component" and accused unnamed media outlets of magnifying petty problems to stir up society. [76]

Through selective use of oppressive laws, threats, and force, the government actively promoted selfcensorship, which has long been a pervasive phenomenon for web-based media. In particular, the new amendments to the Media Law have had a chilling effect on journalists and editors. According to the Belarusian Association of Journalists, "the authorities want to force mass media into self-censorship, all the time considering which materials they can or cannot publish."[77] In 2015, an increase in official warnings for spurious reasons reinforced self-censorship prior to the October presidential election. [78] Selective official and unofficial blocking also boosted self-censorship. [79] For example, media experts believe the June 2015 blocking of KYKY.org (see Blocking and Filtering and Content Removal) was a warning for other online media, designed to encourage self-censorship. [80]

Trolling is one of the government's less direct methods of manipulating online content. Since the 2010-2011 political and economic protests, the number of trolls and paid commentators has significantly

increased on independent Belarusian websites. In the past year, trolls were employed to reassure readers that the economic situation was under control and that outsiders were to blame for the crisis. Trolls also were asked to criticize opposition protests and positively rate Lukashenka's election platform. [81] As more Belarusian internet users move to social networks, trolls have also migrated to popular online communities. While it is difficult to prove that trolls are being paid for their services, especially by the government, a level of coordination behind their activities is evident. They are constantly present on popular and influential internet forums and social networks, immediately react to new developments, and frequently work in teams. [82] In 2015, evidence surfaced that members of the state-supported Belarusian Union of Youth were being employed as trolls. [83] Bad behavior by regular internet users also remains a challenge; online rudeness and vulgarity often render discussions on forums more divisive. [84]

Russian propaganda continues to play a divisive role in Belarus, where the Russian language and Russian outlets dominate the media scene. As a result, Belarusians are heavily influenced by Russian media content. Russian propaganda encourages the view that Belarusians are not a separate nation but are part of the "Russian world," and the idea is influential in Belarus – according to a 2015 poll, roughly a third of Belarusians believe in Putin's idea of a "Russian world". Though traditionally close to Russia, President Lukashenka has come to fear an aggressive Kremlin in the wake of its invasion of Ukraine. Russia's economic problems also have made it less attractive as a source of support for Belarus' ailing economy, prompting Lukashenka to encourage more national sentiment at home and improved relations with the West.

The response from the Kremlin and Russian nationalists has been harsh. Russian media outlets, including websites, increased their pro-Russian propaganda, and unleashed a "black propaganda" campaign against both state and non-state actors in Belarus. In many ways, the Russian operation resembles the trolling campaign organized against westward-leaning Ukraine. Russian websites have accused Lukashenka of being disloyal, too independent, and pro-Western. Long critical of the national symbols, culture, and history embraced by the Belarusian democratic opposition, Russian media now allege that the Belarusian authorities and their opponents have allied in promoting "dangerous" nationalism and "Russophobia". [87]

This situation has put Lukashenka in a difficult position. The government restricts independent media, but does not curb Russian propaganda. It sees the former as a threat and not a part of the solution to the peril posed by the latter.

Russian trolls have become more active on Belarusian websites and social media pages, and purportedly outnumber Belarusian trolls. These trolls not only attack pro-democratic online forums and activities but seek to influence viewers and manipulate content on Russian-Belarusian issues. [88] In February 2016, for example, Russian trolls targeted the *Nasha Niva* portal during a live report on an entrepreneurs' strike, which they thought was taking place in Ukraine. Upon figuring out that the strike was taking place in Belarus, they swiftly switched to criticizing the protestors and praising Lukashenka as a great leader of all Slavs [89]

In 2015-2016, the government increased its use of administrative laws to restrict non-state journalists' ability to work, enforcing stringent requirements for accreditation. [90] Journalists, including those publishing online, are not allowed to work professionally if not accredited by the state, making it impossible for freelancers to work legally. [91] In the past year, many freelance journalists were harassed and prosecuted by the authorities for not possessing appropriate accreditation (see Violations of User Rights).

While Belarus' 2009 Law on Information, Informatization and Protection of Information guarantees access to, and the distribution of, information of interest to the public, the government routinely restricts information from independent journalists and the media, including online websites. Some 60 state bodies can classify their information as secret, state officials cannot speak with journalists without the approval of their superiors, and media can only gain information from official press services or state ideological departments. [92] Since 2003, the government has operated ideological structures in all state enterprises and organizations.

The government controls all broadcast media and more than 600 newspapers and information websites. Since May 2015, the government has been operating the site, *Belsmi*, which promotes state-controlled local media and strives to create a favorable image of the country. Experts have criticized the site for its one-sided content. [93]

The government also determines online content through significant financial support to pro-government media outlets. The country's worsening economic conditions make this state support even more influential. While the total funding provided to pro-government online media is unknown, the 2015 state budget allocated EUR 60 million (US\$73 million) – an increase of approximately EUR 8 million over 2014 – to support all state-run media, though the budget for 2016 fell to about EUR 45 million. These funds are used to "collect, prepare and disseminate state orders on official information." As Belarus faced its worst crash in 15 years, the authorities indicated the state would provide additional financial support for 26 government-controlled newspapers and magazines, and presumably their websites, in 2016. The state also provides preferential advertising (70 percent of the economy is in state hands) and subsidizes rent and other operating costs.

In contrast, non-state media receive no government subsidies and suffer from a constant lack of funding. The government employs direct and indirect economic pressure to limit financial support for free media, including independent online media outlets, making it nearly impossible for these sites to be profitable. As one expert put it, "The inefficient economy captained by big state-owned businesses cannot create decent conditions for the development of media." Forced to operate in semi-underground conditions and facing constant pressure, independent online media and opposition sites are unable to monetize their growing audiences and popularity. Most independent news websites are at an economic disadvantage because state and private companies are afraid to advertise on them. There have also been cases when foreign companies, especially those cooperating with state agencies, have avoided placing ads on independent sites due to political concerns. Additionally, restrictive amendments to the Law on Public Associations and the Criminal Code that were passed secretly in 2011 made it a criminal offense for NGOs to receive foreign funding. Since most non-state online outlets are run as NGOs, the amendments pose a direct threat to the viability of Belarusian independent media. These challenges are compounded by Belarus' worsening economic problems. Internet advertising fell by 15 percent in 2015.

Despite two decades of autocratic government and one of Europe's most challenging media landscapes, Belarus continues to have a vibrant and diverse online presence. In 2015-2016, greater numbers of Belarusians viewed news and information from independent online sources because they found them to be more credible than the government's version. The vast majority of the top 50 news and information websites continue to be either independent or opposition run. [100] According to a September 2015 poll, more Belarusians received information about the October presidential election from independent than government online media (16 percent compared to 13 percent). Due to the government's inability to deal with the country's economic crisis, trust in virtually all state institutions – including state media [101] – decreased in 2015-16. [102] As one expert website noted, the state and its ideologues are losing the battle to independent media, despite the disparity in funding and restrictive laws. [103]

In the past year, social networks and blogs continued to grow as important sources of news, driven by a desire for objective information regarding Belarus' political and economic challenges and the conflict in neighboring Ukraine. In Belarus, social media plays a more important role as a source of news and information than as a driver of traffic to news and information websites. [104] Almost a quarter of respondents to a September 2015 poll received information about the October presidential election from social networks and blogs. [105]

Comparative analysis of the media communities on popular social networks demonstrate that information posted and shared by independent media is much more in demand than content published by state media. Links from the social network accounts of independent media are actively clicked, shared, and discussed by users, while the social network accounts of the state media are lifeless. [106] Progovernment websites have few readers, and state officials do not use social networks. [107] The ten most-visited Facebook pages of media outlets in Belarus are dominated by independent or opposition news and information sources. [108]

Belarus has a vibrant blogosphere due to government restrictions over traditional media. For independent-minded commentators, blogs serve as an alternative tool for disseminating uncensored information and fostering discussion on social, political and economic issues. The most popular Belarus blogs have over 10,000 followers, which is more than the circulation of many independent newspapers. In the last year, microblogs on Twitter have become trendy; the most popular have 40,000 to 100,000 followers. Leading independent media figures and outlets have from 44,000 to 164,000 followers. No government figures or outlets appear on these rankings.

Websites such as those of the Belarusian Association of Journalists (<u>Baj.by</u>) and Viasna Human Rights Center (<u>Spring96.org</u>) also seek to hold Belarus to its domestic and international human rights obligations. The country's constant economic crisis has stimulated more online initiatives designed to foster greater economic transparency and accountability. The best known is the *Koshturada* (Price of the State) website, which monitors budgetary expenditures.

Because of government repression, many political, civic and media activists have chosen or been forced to emigrate over the last two decades. As a result, the editorial offices of some of Belarus' most popular and influential websites are based outside of the country: in Poland ( *Charter97*, Euroradio.fm), Ukraine ( *Belaruspartisan*), and the Czech Republic ( *Svaboda*). Nevertheless, the vast majority of these websites' viewers and reporters are based in Belarus.

In past years, websites related to the LGBTI (lesbian, gay, bisexual, transgender, and intersex) community have been targeted by the government. Gaybelarus.by, the online human rights project overseen by Belarusian LGBTI groups, has been intermittently blocked by the government since 2013. Rather than trying to circumvent the blocking of the old website, the administrators created a new portal, Yag ("Berry"), in July 2015.

#### Digital Activism

As more Belarusians turn to the internet for news and information, it has also grown as a tool for activism. Online activism proved to be particularly significant during the 2015 presidential election, during which the crowdmapping platform Electby.org received over 1,300 reports about election violations from observers around the country, twice as many as in 2010. The organizers coordinated with monitoring groups to verify most of the reports. Taking advantage of the growth of smartphones, civic observers and digital activists worked together to develop Belarus' first mobile application, "Vochy" (Eyes), to collect reports for the Electby map. Launched two weeks before Election Day, the app drew the media's attention and was downloaded by almost 1,500 users. The creators said they would improve the app for the September 2016 parliamentary elections.

Over the past year the number of citizen petitions to state bodies increased significantly. According to the Law on Citizens' Appeals, state institutions are obliged to provide written responses to electronic appeals. The Belarusian petition platform Zvarot.by has been a pioneer in this field. In 2015, the site submitted over 5,700 individual and collective appeals to various state institutions, compared to 2,500 in 2014. In January 2016 alone, Zvarot.by submitted more than 3,500 civil society campaign petitions. While the state's responses tend to be negative or formal, several campaigns led to changes in legislation and policies. In one example, officials ceased harassing two human rights defenders who were regularly searched when crossing the border. In some cases, thanks to the petition campaigns and follow-up activities, joint working groups were created at state institutions. Zavrot.by and similar platforms, such as Petitions.by ( Υδοδημιᾶ 20ροδ (Comfortable City) and Οδηρο Οκηρο Οκηρο

Other online campaigns and initiatives started by citizens and civil society organizations generated significant engagement, often leading to offline action:

• In August 2015, Facebook activists launched the solidarity campaign #Sky4Statkevich, calling for people to take selfies outside to share their freedom with Mikola Statkevich, an opposition candidate in the 2010 presidential election and a political prisoner as he celebrated another birthday in jail.

- In September 2015, a campaign against the government's plan to allow a Russian military base in Belarus was launched on Twitter and Facebook. Its #NoRussianBaseinBelarus became the year's most popular hashtag, and was used to organize a series of street protests.
- In October 2015, a virtual flash mob was launched through social networks in support of four students who were expelled from a military school for posting a photo of themselves wearing tee shirts with a national symbol underneath their uniforms in a popular patriotic community in Vkontakte (see Violations of User Rights). Hundreds of Belarusians posted selfies with similar "Pahonia" tee shirts on social media. Independent media also put pressure on the school's administration, which reinstated the students, a decision likely influenced by the social media campaign. [114]
- In November 2015, students at Belarusian State University started a campaign on Vkontakte and Facebook, against fees for repeat exams introduced by the university administration. The virtual protest led to the first offline student demonstrations in recent years. Despite threats from the university authorities, student activists continue their online and offline campaign. [115]
- In December 2015, when state TV ignored the ceremony at which the pro-opposition Belarusian writer Svetlana Alexievich received the Nobel Prize for Literature, Belarusian civil society self-organized a *Nobel Razem* (Nobel Together) campaign through social networks, gathering in cafes, galleries, and bookstores to watch the ceremony broadcast online. Facebook was used to organize a public meeting with Alexievich at Minsk International Airport upon her return from Stockholm. [116]
- Three crowdfunding platforms emerged in 2015 as success stories: *Talaka.by* platform, *Ulej.by* (Beehive) by Belgasprombank, and *MaeSens.by* (Makes Sense). Local crowdfunding platforms first appeared in 2011, it has taken time to adapt them to Belarusian conditions. [117] In June 2015, the first successful crowdfunding campaign on Talaka.by met its goal. Project Peppa Pig aimed to develop a Belarusian language version of the well-known British cartoon. By the end of 2015, thousands of citizens had donated more than BYR 3 billion rubles (\$140,000) to the sites, [118] a significant amount by Belarusian standards.

#### **Violations of User Rights:**

While detentions of online journalists and social media users were rare in the past year, authorities have punished independent freelance web journalists through administrative proceedings and penalties. Technical attacks against opposition and independent outlets continue to take down websites during strategic periods, often for days at a time. Meanwhile, the government continues to boost its capacity for online surveillance, acquiring technology from Chinese vendors to conduct in-depth analysis of activity online.

#### Legal Environment

While the rights to freedom of expression and information are guaranteed by the Belarusian constitution, they remain severely restricted and violated in practice. Since 2007, the government has enacted a series of repressive laws to stifle critical voices online. The 2015 amendments to the 2008 Media Law extended the government's restrictive laws against independent print media to cover the online sphere (see Blocking and Filtering). In January 2015, amendments to Articles 188, 361, and 367 of the Criminal Code also came into force. These amendments specifically made information distributed via the internet subject to criminal penalties for defamation, defamation of the president, and threats to national security. [119]

#### Prosecutions and Detentions for Online Activities

Within the past year, authorities have ramped up harassment and intimidation against Belarusian journalists working for foreign media without accreditation. Between June 2015 and May 2016, 25 legal cases were launched against freelance journalists resulting in fines totaling more than \$8,000. [120] Journalists are charged with the "illegal production and distribution of information" online under Article 22.9 of the Administrative Code. In particular, the government is pursuing Belarusian journalists cooperating with Belsat and Radio Racyja, Poland-based online media outlets reporting on Belarus. The campaign targets

journalists in the country's regions, which are generally more conservative and quick to punish independent voices for fear of spotlighting local social or economic problems. [121] Some journalists have been prosecuted multiple times. Freelance journalist Kastus Zhukouski from Homel, whose video reports on social and economic issues appear on YouTube and are often reposted by Belsat, has been convicted 11 times and fined over \$3,000 since April 2015. [122] The campaign paused during the presidential campaign in fall 2015, possibly in an effort to appease the international community, but new charges were brought beginning in January 2016. [123]

The Belarusian Association of Journalists (BAJ) has condemned the government's persecution of freelancers. It has pointed out that the legal provision under which the freelancers are being charged is applicable to media organizations, not to individual journalists. Furthermore, the prosecution of freelancers violates both Belarus' constitution and its international obligations. [124] The OSCE and other international organizations defending freedom of expression have denounced the campaign. In December 2015, the UN Human Rights Committee agreed for the first time to consider a complaint regarding a 2014 fine for violating Article 22.9.[125]

BAJ has appealed repeatedly to the authorities to codify the status of freelancer in the Media Law, but the Parliament rejected its proposals. In early August 2015, President Lukashenka publicly acknowledged the punishments against journalists as inappropriate and promised to resolve the problem. [126] In a promising development, draft reforms to the Administrative Code, which include a proposal to remove the prosecution of journalists under Article 22.9, were published on the website of the Ministry of Interior in January 2016. [127] On February 5, the Homel district court dismissed a charge against another freelancer, Larysa Shchyrakova, who had been convicted three times under Article 22.9. This was the first example in which an administrative case against a freelance journalist was halted. [128] On February 25, however, the Zhlobin district court imposed another fine on Kastus Zhukouski for allegedly violating the same article.

In January 2016, Belarusian authorities detained 26-year-old blogger Eduard Palychs, also known under his pseudonym Jhon Silver, the creator of the anti-government website 1863x.com, known for its sharp political commentary. Authorities charged Palychs with inciting racial, national, or religious hatred as well as distributing pornographic material based on content published on his website, charges which experts said were baseless. [129] He faces up to five years of imprisonment. [130] Palychs had been previously detained by police and confined to a psychiatric hospital in 2015. After this incident, he had tried fleeing to Ukraine, but was apprehended in Russia and extradited to Belarus. On October 14, 2016, his closed trial began in Minsk. Belarusian and international human rights groups consider him a political prisoner. [131]

In recent years, the government has begun using materials obtained from online sources as "evidence" to punish individuals for alleged offline offenses. On August 11, 2015, four young men were detained over graffiti with political content on a concrete fence in Minsk, including a message in Belarusian stating that "Belarus must be Belarusian." After the authorities searched computers confiscated from the activists' homes, the men were charged with using the internet to distribute "extremist" information, promote violence, and incite ethnic hatred. The "graffiti case" became the most celebrated political trial of the last year due to a broad civic campaign spanning the country. The joint efforts of human rights defenders, civic activists, and independent journalists may have contributed to relatively mild sentences. The charges of extremism were ultimately dropped; one defendant was cleared of all charges and the others were fined instead of jailed. [132] Civil society groups organized an online fundraising campaign that is expected to cover the cost of the fines.[133]

Surveillance, Privacy, and Anonymity

Belarus employs systematic, sophisticated surveillance to monitor its citizens and control critical expression online. [134] All telecommunications operators are obliged to install real-time surveillance equipment, which makes it possible to monitor all types of transmitted information (voice, mobile text message and internet traffic) and obtain other types of related data (user history, account balance, and other details) without judicial oversight. Mobile phone companies are required to turn over personal data of their customers at the government's request. As of January 2016, all ISPs must retain information about their

customers browsing history for one year. As a result, law enforcement agencies have access to the private browsing history of all web users in Belarus. [135]

Since 2010, the government has been utilizing the Russian-developed intercept technology SORM (System of Operative Investigative Measures) and allocating resources for online surveillance technologies. [136] SORM enables government surveillance directly via the provider. Since late 2011, deep packet inspection (DPI) technology has been available for network packet inspection and filtering according to content. [137] The Belarusian government also uses Semantic Archive, software developed in Russia that monitors open data such as media archives, online sources, blogs, and social networks. [138] It also employs viruses, malware, and spying software to conduct cyber surveillance. [139] Since at least 2010, the Belarusian authorities apparently have employed mobile telephone surveillance measures. [140]

In July 2015 internal documents leaked from the Italy-based spyware firm Hacking Team indicated that that the Belarusian government has been interested in the firm's products since 2011. Hacking Team had presented its Remote Control System (Galileo and DaVinci) spyware, which targets computers and smartphones, to officials from the Operational and Analytical Center, which oversees Belarus' internet, and the Belarusian Ministry of Internal Affairs, in 2014. The documents indicated Belarusian interest, but do not confirm that the government purchased the system. [141]

Chinese and Western firms have reportedly supplied equipment and software that would allow the state to expand its surveillance of citizens. During the past year, the Belarusian government has been increasing its acquisition of equipment to monitor and control the internet. In May 2015, the government engaged a Chinese firm to provide hardware and software for monitoring and blocking content online, and the equipment was reportedly installed ahead of the October 2015 presidential election. According to one expert, the new equipment is able to carry out a deeper analysis of internet traffic to determine which websites are undesirable for visitors, and can track user actions, sites visited, materials read, and programs connected. Another report indicated that the government had installed new equipment to track anonymizer and proxy tools so that it could prevent their use to access banned websites.

Beltelecom launched a tender in 2015 to purchase the hardware and software needed to identify outgoing voice traffic, including VoIP, associated with a particular internet user. The company was seeking to use the system to bill its customers for Skype calls. In March 2016, the government's Investigative Committee announced a tender for purchasing equipment that will provide access to data on smartphones compatible with all popular mobile operating systems. The tender said equipment should provide access to contacts, content of communications, audiovisual material, hidden or erased data on mobile devices, and assist in ascertaining user access codes, among other capabilities.

In Belarus, there is no judicial or independent oversight of internet or ICT surveillance. ISPs are required to make remote access to their databases available on demand to government bodies carrying out investigations. There is widespread belief that the internet traffic, text messages, and voice calls of opposition activists are routinely monitored. One expert notes that while the government continues to significantly expand surveillance over the internet, few Belarusians realize the extent of this surveillance and the threat it poses to internet users. [147] One study called the Lukashenka government "a pioneer and leader in counter-revolutionary, including ICT-based, tactics among all the post-Soviet states." [148]

Given the government's increasing control over the internet, Belarusians are using proxy servers and other methods to circumvent restrictions and surveillance. However, during the past year, Tor use in the country declined from over 10,000 to almost 6,000 users. [149] This could be due to several factors, including the government's February 2015 ban of anonymity and circumvention tools, and the decrease in repression in the wake of the authorities' new détente with the West. Under the February 2015 ban on circumvention tools, the authorities can block not only anonymizers and Tor, but also other security tools like the Opera and Yandex browsers that allow access to almost any website in traffic compression mode. [150] At the time of this report, however, Tor is accessible and VPN use remains very popular. [151]

Since 2007, internet cafes are required to keep a year-long history of the domain names accessed by users and inform law enforcement bodies of suspected legal violations. [152] Internet cafes are also required to

photograph or film users. [153] Restaurants, hotels, and other entities are obliged to register guests before providing them with wireless access, whether free or paid. [154] Belarusian citizens must present their passports and register when buying a SIM card and obtaining a mobile phone number.

Belarus remains the only post-Soviet state with no proper legislation regulating the privacy of personal data. Belarus has not joined the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. [155] In general, independent experts conclude that "Belarusian legislation does not provide a satisfactory basis for the proper balance between freedom and security online." [156]

#### Intimidation and Violence

As the Belarusian government sought international recognition for the October 2015 presidential election in an attempt to normalize relations with the EU, there were fewer recorded instances of extralegal intimidation and harassment of online activists and journalists.

However, family members of online activists continued to report intimidation and harassment. Eduard Palycha, the creator of the website 1863x.com, said his wife was threatened, pressured, and interrogated throughout his imprisonment (see Prosecutions and Detentions for Online Activities). [157] A girlfriend of one of the suspects in the "graffiti case" was lured to his apartment during his detention by a police officer who intimidated and interrogated her. Psychological pressure was exerted on a pregnant girlfriend of another graffitist and online activist. An aggressive search of the apartment of the third suspect was conducted in presence of his one-year-old son and wife, who was also subjected to psychological pressure. [158] In the course of the graffiti case investigation, unknown people twice entered the apartments of one of the suspect's parents. [159]

#### Technical Attacks

Technical attacks have not been widely experienced in Belarus, but the government occasionally employs them against independent websites, often coinciding with important political events, such as elections, national holidays, or street protests. This past year demonstrated a new pattern, as certain news websites experienced repeated distributed denial-of-service attacks (DDoS) attacks. While Belarusian criminal law prohibits these types of technical attacks, law enforcement agencies rarely pursue such cases; when they do, the investigation is a mere formality.

Less than a week before the October 2015 presidential election, the independent websites BelaPAN.by and Naviny.by were hit by severe DDoS attacks against their Belarus-based servers. The former is the site of the country's only independent news agency, and many other outlets depend on it for news and information. The latter is also one of Belarus' most popular online newspapers. The technical attacks occurred the day after the outlets reported that students were forced to take part in a "Prayer for Belarus" event attended by President Lukashenka and his heir-apparent son ahead of the presidential election. [160] Naviny.by also published caricatures of Lukashenka. The DDoS attacks continued for three days. [161] Throughout the attacks, BelaPAN continued to publish news on its Facebook page.

BelaPAN described the incident as "an example of the brutal pressure on the independent media and the violation of the constitutional principles of freedom of speech and freedom of the press." The Belarusian Association of Journalists stated that it viewed the incident as an attempt to punish BelaPAN and Naviny.by for performing their professional duties. [163]

On February 15, 2016, BelaPAN's website was once again inaccessible due to another DDoS attack. The attack coincided with the meeting of the EU Council in Brussels, at which the issue of the removal of sanctions against Belarus was discussed. The website was able to resume its work the next day. [164]

Official websites have also been subject to technical attacks. The website of Belarus' Santa Claus hacked in summer 2015. Instead of materials about Santa's working hours, location, and contact information, the website displayed a black screen and a message from the hacker "Nassim Patchika" stating that "Muslims

are not terrorists." The Algerian hacker is known for hacking different websites to remind their administrators about safety issues. [165]

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- <u>3</u> The daily audience from October 2011 to October 2014 increased by 90 percent. See Mikhail Doroshevich, "Users of Social Media in Belarus and their Behavior," *Gemius*, July 1, 2015, <a href="http://www.slideshare.net/MikhailDoroshevich/doroshevich-01072015?related=1">http://www.slideshare.net/MikhailDoroshevich/doroshevich-01072015?related=1</a>, p. 7.
- <u>4</u> Mikail Doroshevich and Marina Sokolova, "WWW: The Limits of Developing Extensive Infrastructure," *Belarusian Yearbook 2016*, Agency for Social and Political Expert Appraisal, *Nashe Mnenie*, <a href="http://nmnby.eu/yearbook/2016/en/page16.html">http://nmnby.eu/yearbook/2016/en/page16.html</a>.
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- $\underline{6}$  "Five Years of Belarusian Internet Audience,"  $\emph{e-Belarus}$  , February 5, 2015,  $\underline{\texttt{http://www.e-belarus.org/news/201502051.html}}.$
- 7 Mikail Doroshevich and Marina Sokolova, "WWW: The Limits of Developing Extensive Infrastructure," *Belarusian Yearbook 2016*, Agency for Social and Political Expert Appraisal, *Nashe Mnenie*, <a href="http://nmnby.eu/yearbook/2016/en/page16.html">http://nmnby.eu/yearbook/2016/en/page16.html</a>.
- <u>8</u> Broadband Commission, *The State of Broadband 2015: Universalizing Broadband*, September 2015, <a href="http://bit.ly/1QTuNrB">http://bit.ly/1QTuNrB</a>, Annex 4, p. 90.
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- <u>12</u> Alyaksey Areshka, "Communications ministry reports decrease in number of mobile subscribers," *BelaPAN*, July 29, 2015, http://en.belapan.by/archive/2015/07/29/en\_20250729H.
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