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BELARUS 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Belarus is an authoritarian state. The country's constitution provides for a directly elected president who is head of state, and a bicameral parliament, the National Assembly. A prime minister appointed by the president is the nominal head of government, but power is concentrated in the presidency, both in fact and in law. Citizens were unable to choose their government through free and fair elections. Since his election as president in 1994, Aliaksandr Lukashenka has consolidated his rule over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. All subsequent presidential elections fell well short of international standards. The 2016 parliamentary elections also failed to meet international standards.

Civilian authorities, President Lukashenka in particular, maintained effective control over security forces.

The most significant human rights issues included torture; life-threatening prison conditions; arbitrary arrest and, detention; failure to provide fair trials due to executive interference in the judiciary and some trials being closed to the public and without the presence of the accused; interference with privacy; severe interference with freedom of expression and the press, including criminalization of libel and defamation of government officials; violence against and detention of journalists; severe restrictions on freedoms of assembly and of association, including by imposing criminal penalties for calling for a peaceful demonstration and laws criminalizing the activities and funding of groups not approved by the authorities; restrictions on freedom of movement, in particular of former political prisoners; civil rights remained largely restricted while the government failed to account for longstanding cases of politically motivated disappearances; corruption in all branches of government; allegations of pressuring women to have abortions; trafficking in persons; and suppression of independent trade unions.

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

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

During the year there were no reports that the government or its agents committed arbitrary or unlawful killings and no reports of deaths from torture.

b. Disappearance

During the year there were no reports of disappearances by or on behalf of government authorities. There were no developments in the reportedly continuing investigations into the 2000 disappearance of journalist Zmitser Zavadski and the 1999 disappearances of former deputy prime minister Viktor Hanchar, businessman Anatol Krasouski, and former interior minister Yuri Zakharanka. There was evidence of government involvement in the disappearances, but authorities continued to deny any connection with them.

In May 2016 a Minsk court suspended the civil suit of Zakharanka's mother asking for the court to recognize Zakharanka's death until the criminal case regarding his disappearance was closed. The lawyer for Zakharanka's mother told the court, "given the fact that for 16 years the investigation has produced no results, it deprives the citizen the opportunity to realize her rights. In fact it is a denial of justice."

In August 2016 a Minsk city court refused the request of Zakharanka's mother to declare her son deceased. In order to obtain access to case materials and his property, Zakharanka's mother has repeatedly asked authorities to declare him dead, suspend the investigation, or both. In June authorities extended the investigation into Zakharanka's disappearance to December 24.

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

The law prohibits such practices. Nevertheless, the Committee for State Security (KGB), riot police, and other security forces, often without identification and in plain clothes, beat detainees on occasion. Security forces also reportedly mistreated individuals during investigations. Police occasionally beat persons during arrests.

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

On March 25, special police forces raided an apartment in which 58 human rights observers, experts, and foreign journalists gathered in advance of unauthorized protest in Minsk. According to eyewitnesses, when a doorbell rang and human rights advocate Aliaksei Loika opened the door officers assaulted Loika, who was hospitalized and diagnosed with a concussion the same day. On August 28, a Minsk district investigative committee turned down Loika's request to investigate his beatings because it stated law enforcement officers did not apply excessive physical force.

On March 29, a court in Minsk sentenced Mikalai Dziadok, an anarchist and opposition activist, to 10 days in administrative detention for resisting police and participating March 25 in unauthorized protests in Minsk. Dziadok was hospitalized after his detention with a concussion and minor facial and head injuries. In court he claimed that a police officer hit him in the head a number of times. Police testified that Dziadok shouted political slogans and resisted police during his detention, requiring officers to apply physical force. Dziadok's father filed a complaint asking investigators to look into his son's beating, but authorities turned it down.

There were numerous reports of cases of hazing of conscripts into the army that included beatings and other forms of physical and psychological abuse. Some of those cases reportedly resulted in deaths. For example, on October 13, a senior official from the Investigative Committee announced a criminal investigation into alleged hazing and violence that preceded the discovery October 3 of the body of a 21-year-old soldier, Aliaksandr Korzhych, in the basement of his military barracks near Barysau.

On October 16, the government also confirmed that soldier Genadz Sarokin died on September 2 while assigned to a military unit in the Brest region and that his case was under investigation. In a separate case, authorities reopened the investigation into a purported suicide on March 31 of another soldier, Artsiom Bastsiuk, at military grounds in the Barysau region. On October 12, Bastsiuk's family received notification that his death was not the result of a criminal act, but the family continued to maintain that he was psychologically abused and harassed during his service.

Authorities reported isolated cases of prosecution of suspected military offenders. For example, on May 30, a district court in Brest sentenced an army sergeant to three years restricted freedom, a form of house arrest, for abusing his powers and beating a younger soldier. The offender was also to pay 4,000 rubles (\$2,050) in moral damages.

Prison and Detention Center Conditions

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

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

According to a May 26 report by independent survey organizations that questioned 130 individuals detained between March 15 and April 19 on charges related to unsanctioned demonstrations, approximately 79 percent of respondents stated that authorities failed to inform their families of their whereabouts, and 83 percent stated prison authorities had not properly informed them of their rights, obligations, and the detention centers' regulations. Approximately 17 percent complained of a lack of medical care and 27 percent said they were denied access to lawyers. More than 50 percent of the detainees complained of unsanitary conditions. Only 21 percent of those surveyed were not impeded by prison authorities from appealing their sentences.

Overcrowding of pretrial holding facilities, and prisons generally, was a problem. For example, individuals who were held for short periods in a holding facility in the town of Dziarzhynsk reported that they had to take shifts to sleep, as there were more inmates than beds in the cell.

Authorities allowed persons sentenced to a form of internal exile (khimiya) to work outside detention facilities. These individuals were required to return at night to prison barracks, where they lived under strict conditions and supervision.

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

According to human rights NGOs and former prisoners, authorities routinely abused prisoners.

On March 23, a Minsk district court ruled in the case of the death of 21-year old Ihar Ptichkin that the Interior Ministry, which is in charge of holding facilities, should pay 20,000 rubles (\$10,300) in moral damages to his mother, 10,000 rubles (\$5,150) to his sister, and 6,000 rubles (\$3,100) to cover the costs of his funeral. These damages were one third of what the family requested in a suit contesting his death in custody. After an alleged beating Ptichkin suffered a heart attack and died in a pretrial detention center in Minsk in 2013. In October 2016 a Minsk district court convicted prison doctor Aliaksandr Krylou, who was involved in Ptichkin's case, of negligence and sentenced him to three years' imprisonment.

Credible sources maintained that prison administrators employed inmates to intimidate political prisoners and compel confessions. They also reported that authorities neither explained nor protected political prisoners' legal rights and excessively penalized them for minor violations of the prison rules.

In view of poor medical care, observers believed tuberculosis, pneumonia, HIV/AIDS, and other communicable diseases were widespread in prisons. In 2014 a senior tuberculosis control officer reported that tuberculosis infection in prisons was quadruple the national average but claimed that only up to 4 percent of the 7,400 tuberculosis patients across the country were in prisons.

Human rights NGOs reported that prison inmates and individuals held in internal exile often complained of lack of employment opportunities or low pay. In August 2016 the head of the Interior Ministry's Corrections Department, Siarhei Daroshka, stated that of the average 510 rubles (\$205) salary, inmates would get only 10 percent and the rest would go to cover the costs of their imprisonment and to repay any debts or damages ordered by the court.

Administration: As in the previous year, authorities claimed to have conducted annual or more frequent investigations and monitoring of prison and detention center conditions. Human rights groups, however, asserted that such inspections, when they did occur, lacked credibility in view of the absence of an ombudsperson and the inability of reliable independent human rights advocates to visit prisons or provide consultations to prisoners. In July authorities approved the application of Aleh Hulak, chairperson of the human rights group Belarusian Helsinki Committee, to join the Ministry of Justice's commission on prison conditions monitoring. In August the ministry organized a visit to a high security prison in Hrodna. The visit reportedly was closely monitored by the head of the prison administration. The commission, mainly composed of the ministry's officials and representatives of progovernmental NGOs, failed to produce any comprehensive reports.

Prisoners and detainees had limited access to visitors, and denial of meetings with families was a common punishment for disciplinary violations. Authorities often denied or delayed political prisoners' meetings with family as a means of pressure and intimidation.

Although the law provides for freedom of religion, and there were no reports of egregious infringements, authorities generally prevented prisoners from holding religious services and performing ceremonies that did not comply with prison regulations.

Former prisoners reported that prison officials often censored or did not forward their complaints to higher authorities and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Prisoners also reported that prison administrators frequently refused to provide them with copies of responses to their complaints, which further complicated their defense. Complaints could result in retaliation against prisoners who spoke out, including humiliation, death threats, or other forms of punishment and harassment.

Corruption in prisons was a serious problem, and observers noted that parole often depended on bribes to prison personnel or a prisoner's political affiliation.

Independent Monitoring: Despite numerous requests to the Ministries of Internal Affairs and Justice, government officials refused to meet with human rights advocates or approve requests from NGOs to visit detention and prison facilities. In its 2015 response to Pavai Sapelka of the human rights NGO Vyasna, the head

of Interior Ministry's Corrections Department claimed it would be "inexpedient" for him to visit detention facilities and monitor their conditions.

d. Arbitrary Arrest or Detention

The law limits arbitrary detention, but the government did not respect these limits. Authorities arrested or detained individuals for political reasons and used administrative measures to detain political activists before, during, and after protests and other major public events.

Role of the Police and Security Apparatus

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

Arrest Procedures and Treatment of Detainees

By law police must request permission from a prosecutor to detain a person for more than three hours, but police usually ignored this procedure and routinely detained and arrested individuals without warrants. Authorities may hold a criminal suspect for up to 10 days without filing formal charges and for up to 18 months after filing charges. By law prosecutors, investigators, and security service agencies have the authority to extend detention without consulting a judge. Detainees have the right to petition the court system regarding the legality of their detention, but authorities frequently suppressed or ignored such appeals. The country has no functioning bail system.

Arbitrary Arrest: Authorities detained opposition and civil society activists for reasons widely considered politically motivated. In isolated cases authorities used administrative measures to detain political activists before, during, and after planned demonstrations and protests, as well as other public events.

From February through April, authorities fined, detained, or arrested more than 950 protesters in Minsk and other cities. Protests largely stemmed from a presidential decree requiring Belarusian nationals, foreigners, and noncitizens permanently residing in the country who officially work less than 183 calendar days per year to pay an annual tax. Charges ranged from participation in an unsanctioned demonstration to minor hooliganism and resisting arrest. Of the detained, human rights groups estimated that authorities issued approximately 259 jail sentences of up to 25 days. At least 10 journalists were arrested and four were fined for working without accreditation, minor hooliganism, and participating in an unsanctioned demonstration. All those arrested were released by year's end.

For example, on March 28, courts in Minsk, Babruisk, Barysau, Brest, Vitsyebsk, Homyel, and Polatsk convicted 177 individuals (144 in Minsk and 33 in other cities) on various charges, including participation in unsanctioned demonstrations on March 25-26, minor hooliganism, and resisting police. Of the 177 individuals detained March 25-26, 74 were sentenced to between two and 25 days of detention and 93 were ordered to pay fines between 46 rubles (\$25) and 1,840 rubles (\$970).

On March 27, Mikalai Statkevich, a former political prisoner and 2010 presidential candidate, stated that police apprehended him at a friend's apartment in Minsk on March 23 and transported him to KGB detention facilities. Police reportedly had a warrant for his arrest and claimed that he and a group of unidentified individuals were suspects in a criminal case of preparing mass riots. Statkevich explained in his interview that while officers showed him some papers and accused him of plotting mass riots since 2011, they did not give him any documents nor allowed him to make telephone calls to his family or lawyer. Statkevich refused to answer questions or testify at holding facilities. Throughout the year Statkevich and Uladzimir Nyaklyaeu, another 2010 presidential candidate, opposition activist, and former political prisoner, were arrested repeatedly and placed in administrative detentions, usually in connection with unauthorized gatherings and demonstrations.

Pretrial Detention: Authorities may hold a criminal suspect for up to 10 days without filing formal charges. Prior to being charged, the law provides detainees with no access to their families or to outside food and medical supplies, both of which are vital in view of the poor conditions in detention facilities. Police routinely held persons for the full 10-day period before charging them.

Police often detained individuals for several hours, ostensibly to confirm their identity; fingerprinted them; and then released them without charge. Police and security forces frequently used this tactic to detain members of the democratic

opposition and demonstrators, to prevent the distribution of leaflets and newspapers, or to break up civil society meetings and events.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees have the right to petition the court system regarding the legality of their detention, but authorities frequently suppressed or ignored such appeals. By law, courts have 24 hours to issue a ruling on a detention and 72 hours on an arrest. Courts hold closed hearings in these cases, which the suspect, a defense lawyer, and other legal representatives may attend. Prosecutors, suspects, and defense lawyers may appeal lower court decisions to higher courts within 24 hours of the ruling. Higher courts have three days to rule on appeals, and their rulings may not be challenged. Further appeals may be filed only when investigators extend the period of detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but authorities did not respect judicial independence and impartiality. Observers believed corruption, inefficiency, and political interference with judicial decisions were widespread. Courts convicted individuals on false and politically motivated charges brought by prosecutors, and observers believed that senior government leaders and local authorities dictated the outcomes of trials.

As in previous years, according to human rights groups, prosecutors wielded excessive and imbalanced authority because they may extend detention periods without the permission of judges. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because the Prosecutor's Office controlled all technical expertise. According to many defense attorneys, this power imbalance persisted throughout the year, especially in politically motivated criminal and administrative cases. Courts did not exonerate criminal defendants except in rare circumstances.

By law, bar associations are independent, and licensed lawyers are permitted to establish private practices or bureaus. All lawyers must be licensed by the Ministry of Justice and must renew their licenses every five years.

In September a Ministry of Justice standing commission, which reviews lawyers' performance, found that prominent independent lawyer Ana Bakhtsina had

“insufficient professional skills” to be a defense lawyer. According to Bakhtsina, the template she used for concluding contracts with clients differed slightly from the ministry’s recommended one, and the commission also identified grammar mistakes in its review of her documents. On September 26, Bakhtsina appealed the commission’s decision revoking her license but her appeal was dismissed. Additionally, at least seven more defense lawyers were due to retake their bar exams within six months following the ministry’s determination that their professional skills were only “partially insufficient.”

Trial Procedures

The law provides for the right to a fair and public trial, but authorities occasionally disregarded this right.

The law provides for the presumption of innocence. Nevertheless, the lack of judicial independence, state media practice of reporting on high-profile cases as if guilt were already certain, and widespread limits on defense rights frequently placed the burden of proving innocence on the defendant.

The law also provides for public trials, but authorities occasionally held closed trials frequently in judges’ chambers. Judges adjudicate all trials. For the most serious cases, two civilian advisers assist the judge.

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

The law provides for access to legal counsel for the defendant and requires courts to appoint a lawyer for those who cannot afford one. Although by law defendants may ask for their trials to be conducted in Belarusian, most judges and prosecutors were not fluent in this language, rejected motions for interpreters, and proceeded in Russian. Interpreters are provided when the defendant speaks neither Belarusian nor Russian. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers from representing individuals other than members of their organizations in court. The government’s attempts to disbar attorneys who represented political opponents of the regime further limited defendants’ choice of counsel. The government also required defense attorneys to sign nondisclosure statements that limited their ability to release any information regarding the case to the public, media, and even defendants’ family members.

Courts often allowed statements obtained by force and threats of bodily harm during interrogations to be used against defendants. Some defendants were tried in absentia. For example, on January 9, a court in the town of Svislach notified three For Freedom movement activists that they were fined in absentia for participating in an unsanctioned ceremony in October 2016 commemorating the 1863-64 anti-Russian uprising, during which Belarusians, Poles, and Lithuanians rebelled against Russian rule. The movement's leader, Yuri Hubarevich, received a fine of 525 rubles (\$260); an activist from Brest, Yuri Kazakevich, 210 rubles (\$105); and an activist from Vitsyebsk, Vadzim Babin, 63 rubles (\$32).

Defendants have the right to appeal convictions, and most defendants did so. Nevertheless, appeals courts upheld the verdicts of the lower courts in the vast majority of cases.

Political Prisoners and Detainees

Local human rights organizations reported several different lists of political prisoners in the country. These included individuals who were facing criminal charges and others who were already incarcerated. Leading local human rights groups, including Vyasna and the Belarusian Helsinki Committee, either recognized these individuals as prisoners of conscience or noted serious due process violations that merited, at the very least, a retrial.

After President Lukashenka's March 21 comments that some 20 militants were arrested for seeking to stir up unrest, KGB officers began detaining dozens of individuals across the country and charging them with such separate matters as training or preparing for participation in mass, potentially violent riots, or creating an illegal armed organization. Detainees were connected with the White Legion group (a now defunct radical opposition organization active in the 1990s); the registered "Patriot" educational and training camp for youth; or the Malady Front opposition youth group. Police searched their residences, and the KGB reportedly confiscated rifles, guns, grenades, and other weapons that, according to the KGB, were to be used during the March 25 demonstrations. Some families of the arrested individuals told the press that defense lawyers were denied meetings with detainees at KGB holding facilities.

On April 11, a KGB spokesperson confirmed that 20 individuals were charged with the creation of an illegal armed formation and could face up to seven years' imprisonment if convicted. The KGB spokesperson also confirmed that 17

individuals were charged with preparing a mass riot and faced up to three-years' imprisonment if convicted. The official, however, did not specify how many of those detained faced multiple charges. The KGB confirmed 18 other suspects were also being investigated in connection with the case, four of whom were in custody. Some state media published articles concerning the criminal cases, describing suspects as members of extremist nationalist groups, and stated that the investigation began on March 21.

On November 30, the Investigative Committee Chairman Ivan Naskevich announced that both charges and criminal proceedings against all those involved in the case had been dropped and that the investigation was now closed. Naskevich said the actions of the individuals involved posed no danger to the public or a threat to the constitutional order.

On June 9, the Prosecutor General's Office rejected a request filed by Ales Byalyatski, the chair of the human rights group Vyasna, to investigate allegations of torture made by some of the individuals detained in the White Legion case. Byalyatski highlighted the treatment of former head of the White Legion group Miraslau Lazouski, who was allegedly beaten during his arrest and had blood and bruises on his face when he appeared in a state television "documentary" regarding the White Legion. Byalyatski also stated that several individuals charged in the case were forced to take psychotropic drugs while in custody. In its reply the Prosecutor General's Office called those reports mere allegations not supported by evidence or formal complaints from the detained or their lawyers.

Former political prisoners released in August 2015 continued to be unable to exercise some civil and political rights at year's end. For example, in July 2016 the Central Electoral Commission refused to register the initiative group supporting the candidacy for parliament of former political prisoner and 2010 presidential candidate Mikalai Statkevich because any individual in prison or with a criminal record is prohibited by law from being a candidate.

Civil Judicial Procedures and Remedies

The law provides that individuals may file lawsuits seeking damages for a human rights violation, but the civil judiciary was not independent and was rarely impartial in such matters.

Property Restitution

To date, there are no laws providing for restitution or compensation for immovable private property confiscated during World War II and the Holocaust on its territory. The country also has no legislative regime for restitution of communal property or of heirless property. The government reported that, in the last 10 years, it did not receive any requests or claims from individuals, NGOs, or any other public organization, either Jewish or foreign, seeking compensation or restitution of any property.

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

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

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

The law requires a warrant before, or immediately after, conducting a search. Nevertheless, some democratic activists believed the KGB entered their homes unannounced. The KGB has the authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry.

Security forces continued to target prominent opposition and civil society leaders with arbitrary searches and interrogations at border crossings and airports. For example, on March 14, border officials detained Ihar Barysau, a Mahilyou leader of the opposition Social Democratic Party Hramada, for three hours upon his arrival from Germany at the national airport in Minsk. A law enforcement officer searched his belongings and confiscated his flash drives.

While the law prohibits authorities from intercepting telephone and other communications without a prosecutor’s order, authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups claimed that authorities monitored their conversations and activities. The government continued to collect

and obtain personally identifiable information on independent journalists and democratic activists during raids and by confiscating computer equipment.

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

On March 12, Belarusian Christian Democracy cochair Pavel Sevyarynets filed a complaint that the state Belarus 1 television channel illegally broadcast recordings of his private cell phone conversations in a news show. On September 12, police responded that the television channel received the tape from “an anonymous source,” and that the channel’s administration “did not make any deliberate effort” to obtain such information. Additionally, on September 26, the Ministry of Information claimed that the channel used materials from open sources as well as from law enforcement agencies, and did not interfere in Sevyarynets’ private life.

The Ministry of Communications has the authority to terminate the telephone service of persons who violate telephone contracts, which prohibit the use of telephone services for purposes contrary to state interests and public order.

Authorities continued to harass family members of NGO leaders and civil society and opposition activists through selective application of the law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. The government did not respect these rights and enforced numerous laws to control and censor the public and media. Moreover, the state press propagated views in support of the president and official policies, without giving room for critical voices.

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

On April 27, anarchist activist Viachaslau Kasinerau was given a fine after a court in Minsk found him guilty of hooliganism for putting a rope around the neck of a sculpture of a city guard that stands in front of the Interior Ministry on March 12. Although the prosecutor asked for two years of “restricted freedom” (similar to house arrest), which independent human rights observers called incommensurate with his action, the judge instead fined him 115 rubles (\$61).

On June 6, a court in Minsk fined prominent graffiti artist Aleh Larychau and his associate Hanna Novik 690 rubles (\$370) and 230 rubles (125), respectively. Police arrested the two on charges of using obscenities after painting political street graffiti in Minsk on June 3. Larychau, a member of a street art group known for painting and posting images that mocked government officials and police officers, claimed he was followed by unidentified individuals before his arrest.

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

Press and Media Freedom: Government restrictions limited access to information and often resulted in media self-censorship. State-controlled media did not provide balanced coverage and overwhelmingly presented the official version of events. Appearances by opposition politicians on state media were limited primarily to those required by law during election campaigns. Authorities warned, fined, detained, and interrogated members of media.

By law the government may close a publication, printed or online, after two warnings in one year for violating a range of restrictions on the press. Additionally, regulations give authorities arbitrary power to prohibit or censor reporting. The Ministry of Information may suspend periodicals or newspapers for three months without a court ruling. The law also prohibits media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs.

On March 14, the independent newspaper *Nasha Niva* and the most popular news portal *TUT.BY* received warning Ministry of Information letters informing the publications that they had violated the Law on Mass Media by distributing information that “could cause damage to the national interests of Belarus.” *Nasha Niva*’s editors reported that the ministry cited eight online comments made by readers that purportedly criticized the government, police actions, and detentions

following protests that were immediately removed from the newspaper's webpage after the warning. *Nasha Niva* also stated that it would more meticulously moderate its online forums in order to avoid any provocative statements or remarks. In the case of *TUT.BY*, the warning reportedly stemmed from the site's February 15 article regarding Belarusian volunteers fighting in Ukraine. The article was immediately removed from the portal. Authorities did not take any further action against the two media outlets.

Limited information was available in the state-run press concerning the September 2016 parliamentary elections, including on independent candidates. Although authorities did not generally censor the publication of candidates' programs in print media, some opposition candidates complained that local television channels refused to televise their addresses.

While no independent media outlets, including newspapers and internet news websites, applied for registration to the Ministry of Information, they continued to seek to provide coverage of events. They operated, however, under repressive media laws, and most faced discriminatory publishing and distribution policies, including limiting access to government officials and press briefings, controlling the size of press runs of newspapers, and raising the cost of printing.

State-owned media dominated the information field and maintained the highest circulation through generous subsidies and preferences. There was no countrywide private television. The state-owned postal system, Belposhta, and the state distributor of printed press, Belsayuzdruk, allowed the distribution of at least nine independent newspapers and magazines that covered politics, including *Novy Chas*, *Borisovskie Novosti*, and *Intexpress*, which have been banned from distribution for 11 years.

The exclusion of independent print media from the state distribution system and the requirement that private stores secure registration to sell newspapers and magazines effectively limited the ability of the independent press to distribute their publications.

International media continued to operate in the country but not without interference and prior censorship. Euronews and the Russian channels First Channel, NTV, and RTR were generally available, although only through paid cable services in many parts of the country and with a time lag that allowed the removal of news deemed undesirable. At times authorities blocked, censored, or replaced their international news programs with local programming.

Violence and Harassment: Authorities continued to harass and detain local and foreign journalists routinely.

Security forces continually hampered efforts of independent journalists to cover demonstrations and protests in Minsk and across the country. The independent Belarusian Association of Journalists reported that, as of November 15, police fined, detained, and arrested at least 45 journalists while performing their professional duties in more than 184 separate cases.

On March 31, police searched two Minsk offices of the Poland-based media outlet Belsat TV, confiscating television and computer equipment and reportedly detaining one journalist. The Prosecutor General's Office authorized the searches, referring to a 2014 Supreme Court case that banned the outlet from using the Belsat TV trademark, allegedly because it was registered in 2001 by another entity called BELSATplus. On October 10, a Minsk district court sentenced Belsat TV camera operator Aliaksandr Barazenska to a fine of 920 rubles (\$470) for violating trademark rights and ordered confiscation of his video and computer equipment.

The government routinely denied accreditation to journalists who work with foreign media. As of November 15, at least 22 journalists were fined in 55 cases for not having government accreditation or cooperating with a foreign media outlet. For example, on April 5, a Minsk city court denied an appeal filed by Belsat TV camera operator Aliaksandr Barazenska. Police detained Barazenska at the March 25 protests in Minsk, where he was covering the protest with his colleagues. Authorities convicted him for using obscenities and sentenced him to 15 days in jail. Barazenska's defense lawyer presented a video in court of his defendant being detained that showed he had not shouted any political slogans or obscenities and had informed police he was a journalist.

Censorship or Content Restrictions: The government exerted pressure on the vast majority of independent publications to exercise self-censorship, warning them not to report on certain topics or criticize the government. The government tightly and directly controlled the content of state broadcast and print media. Local independent television stations operated in some areas and reported local news, although most were under government pressure to forgo reporting on national and sensitive issues or risk censorship.

Authorities allowed only state-run radio and television networks to broadcast nationwide. The government used this national monopoly to disseminate its version of events and minimize alternative or opposing viewpoints.

Authorities warned businesses not to advertise in newspapers that criticized the government. As a result, independent media outlets operated under severe budgetary constraints.

Journalists reporting for international media that gave extensive coverage to the country, such as the Warsaw-based independent satellite channel Belsat TV and Radio Racyja, were denied press accreditation and received warnings from the Prosecutor's Office and heavy fines.

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

On March 24, a district court in Minsk ended Aliaksandr Lapitski's compulsory treatment for mental illness. In April 2016 Lapitski was convicted of "committing socially dangerous acts" and violating Article 368 ("insulting the President of the Republic of Belarus"), and Article 369 ("insulting the authorities"), Article 391 ("insulting a judge or a lay judge") of the Criminal Code of Belarus. The charges against Lapitski stemmed from his emails and blog posts that, according to authorities, insulted the president. Authorities stated that Lapitski suffered from mental illness and sentenced him to a period of compulsory psychiatric treatment.

National Security: Authorities frequently cited national security as grounds for censorship of media.

Internet Freedom

The government interfered with internet freedom by monitoring email and internet chat rooms. While individuals, groups, and publications were generally able to engage in the peaceful expression of views via the internet, including by email, all who did so risked possible legal and personal repercussions, and at times were

believed to practice self-censorship. Opposition activists' emails and other web-based communications were likely to be monitored.

By law news websites and any internet information sources are subject to the same regulations as print media. Online news providers must remove content and publish corrections if ordered to do so by authorities and must adhere to a prohibition against "extremist" information. The law also restricts access to websites whose content includes promotion of violence, wars, "extremist activities"; materials related to illicit weapons, explosives, and drugs; trafficking in persons; pornography; and information that may harm the national interests of the country. Authorities may block access to sites that fail to obey government orders, including because of a single violation of distributing prohibited information, without a prosecutor or court's mandate. In addition owners of internet sites may be held liable for users' comments that carry any prohibited information, and these sites may be blocked. The amended law also mandates the creation of a database of news websites. If a news website receives two or more formal warnings from the authorities, it may be removed from the database and lose its right to distribute information. The law prohibits foreign states and foreign individuals from holding more than a 20 percent stake in the country's media companies.

Independent online media outlets generally were not blocked during the year.

Authorities monitored internet traffic. By law the telecommunications monopoly Beltelekam and other organizations authorized by the government have the exclusive right to maintain internet domains.

A presidential edict requires registration of service providers and internet websites, and requires the collection of information on users at internet cafes. It requires service providers to store data on individuals' internet use for a year and provide that information to law enforcement agencies upon request. Violations of the edict are punishable by prison sentences.

State companies and organizations that included the workplaces of up to 70 percent of the country's workers reportedly had internet filters.

In response to the government's interference and internet restrictions, many opposition groups and independent newspapers switched to internet domains operating outside the country. Observers reported that the few remaining independent media sites with the country domain BY practiced self-censorship at times.

On several occasions, cyberattacks of unknown origin temporarily disabled independent news portals and social networking sites.

According to various media sources, the number of internet users reached more than seven million persons, of which approximately 90 percent used the internet daily or numerous times a month. Internet penetration was approximately 83 percent among users ages 15 to 50.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events.

Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of Belarus under the leadership of Lukashenka. Government-mandated textbooks contained a heavily propagandized version of history and other subjects.

Authorities obligated all schools, including private institutions, to follow state directives to inculcate the official ideology and prohibited schools from employing opposition members as their principals. The minister of education has the right to appoint and dismiss the heads of private educational institutions.

Use of the word “academic” was restricted, and NGOs were prohibited from including the word “academy” in their titles. Opportunities to receive a higher education in the Belarusian language (vice Russian) in the majority of fields of study were scarce. The administrations of higher educational institutions made no effort to accommodate students wishing to study in Belarusian-language classes.

The Belarusian Republican Youth Union (BRYU), an official organization modeled on the Soviet-era KOMSOMOL, urged university students to join the BRYU to receive benefits and dormitory rooms. Local authorities pressured BRYU members to campaign on behalf of government parliamentary candidates and to vote early. Students from various universities and colleges reported to an independent election-monitoring group that their faculties were pressuring students into early voting by threatening them with eviction from their dormitories. Additionally, authorities at times reportedly pressured students to act as informants for the country’s security services.

According to a Ministry of Education directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must

ensure the proper ideological education of students. School officials, however, cited poor academic performance or absence from classes as the official reason for expulsions. In March the Mahilyou State University administration expelled Alena Kisel after she was fined 345 rubles (\$180) for participating in unauthorized protests in the city.

On May 24, a Minsk district court dismissed an appeal filed by Khrystsiyan Shynkevich challenging his expulsion from the Belarus State Teachers Training University after his detention on March 26 in Minsk. A university representative claimed in court that Shynkevich was expelled because he failed to attend 40 percent of his classes during the academic year.

In some cases the government also restricted cultural events, selectively approving performances of what they deemed opposition music groups at small concert halls. Approvals required groups to go through cumbersome and time-consuming procedures to receive permissions. The procedures continued to force some opposition theater and music groups from public venues and into bars and private apartments by banning their performances.

The government also restricted the activities of a nonofficial writers union, the independent Union of Belarusian Writers, and extensively supported the progovernment Union of Writers of Belarus. Authorities harassed distributors of books authored by critical and independent writers or written in the Belarusian language. Authorities did not allow local printing of books by Sviatlana Aleksievich, winner of the Nobel Prize for literature, although her books were widely available in bookstores and online, primarily in Russian editions.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedom of peaceful assembly; however, the government severely restricted this right. Authorities employed a variety of means to discourage demonstrations, disperse them, minimize their effect, and punish the participants. The law provides for freedom of association, but the government restricted it and selectively enforced laws and registration regulations to restrict the operation of independent associations that might criticize the government.

Freedom of Peaceful Assembly

Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons. Authorities usually denied

requests by independent and opposition groups. A general atmosphere of repression and the threat of imprisonment or large fines exercised a chilling effect on potential protest organizers.

The law criminalizes the announcement of demonstrations via the internet or social media before official approval, the participation in the activities of unregistered NGOs, the training of persons to demonstrate, the financing of public demonstrations, or the solicitation of foreign assistance “to the detriment” of the country. Violations are punishable by up to three years’ imprisonment.

Organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting, and government officials are required to respond no later than five days prior to the scheduled event. Authorities, however, generally granted permits for opposition demonstrations only if held far from city centers. Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and imposed heavy fines or jail sentences on participants in unsanctioned demonstrations. In addition authorities required organizers to conclude contracts with police, fire department, health, and sanitary authorities for their services during and after a mass event. In some localities, local officials told permit applicants that they must first secure these contracts before a permit could be issued. During the year local authorities countrywide rejected dozens of applications for permission to stage demonstrations to protest a presidential decree requiring Belarusian nationals and noncitizens permanently residing in the country who officially work less than 183 calendar days per year to pay an annual tax. They also rejected applications to demonstrate on May Day on May 1.

Opposition activists held dozens of unsanctioned rallies during the year and faced administrative charges and fines for allegedly violating the Law on Mass Events. Those who refused to pay fines, calling them politically motivated, potentially faced property confiscation and travel bans. Authorities regularly fined the same activists for their continuous political activity during the year. For example, on August 1, a Minsk district court sentenced Leanid Kulakou, an activist of the European Belarus campaign, to a fine of 690 rubles (\$350) for participating in a July 7 unauthorized protest in Minsk against the September Belarus-Russia joint military exercise ZAPAD.

On March 3-24, authorities detained, fined, or jailed for up to 15 days approximately 300 individuals for their participation in various unauthorized protests against a presidential decree across the country. Activists described

continued abuse of force by police, including against Ales Lahviniec, a democratic activist who was hospitalized with a concussion and broken nose after being arrested on March 23.

Authorities took various measures to prevent prodemocracy activists from celebrating Freedom Day, the March 25 anniversary of the country's 1918 declaration of independence (an event the government does not recognize). The Minsk city authorities failed to respond to an opposition's application for permission to hold a demonstration in central Minsk within the legally required five days prior to the demonstration. While the Mayor's Office had originally scheduled a meeting with the Freedom Day organizing committee on March 20, it was postponed until March 24. The organizing committee argued it was too late to notify the public of the changed route requested by the city.

In a police operation meant to prevent any unsanctioned demonstrations from taking place in the center of Minsk to celebrate Freedom Day, metro trains did not stop near the gathering point of the demonstration in front of the Academy of Sciences. Buses and other public transportation also did not stop in the vicinity. Police detained more than 600 participants throughout the city. The majority of those detained were released the same day; more than one hundred faced a variety of charges, including minor hooliganism, resisting police, or participating in an unsanctioned demonstration.

Freedom of Association

All NGOs, political parties, and trade unions must receive Ministry of Justice approval to become registered. A government commission reviews and approves all registration applications; it based its decisions largely on political and ideological compatibility with official views and practices.

Actual registration procedures required applicants to provide the number and names of founders, along with a physical address in a nonresidential building for an office, an extraordinary burden in view of the tight financial straits of most NGOs and individual property owners' fears of renting space to independent groups. Individuals listed as members were vulnerable to reprisal. The government's refusal to rent office space to unregistered organizations and the expense of renting private space reportedly forced most organizations to use residential addresses, which authorities could then use as a reason to deny registration or to deregister. The law criminalizes activities conducted on behalf of

unregistered groups and subjects group members to penalties ranging from large fines to two years' imprisonment (also see section 7.a.).

The law on public associations prohibits NGOs from keeping funds for local activities at foreign financial institutions. The law also prohibits NGOs from facilitating provision of any support or benefits from foreign states to civil servants based on their political or religious views or ethnicity, a provision widely believed to be aimed at the Polish minority.

Only registered NGOs may legally accept foreign grants and technical aid and only for a limited set of approved activities. NGOs must receive approval from the Department for Humanitarian Affairs of the Presidential Administration and the Ministry of the Economy for technical aid before they may accept such funds or register the grants.

The government continued to deny registration to some NGOs and political parties on a variety of pretexts, including “technical” problems with applications. Authorities frequently harassed and intimidated founding members of organizations in an effort to force them to abandon their membership and thus deprive their groups of the number of petitioners necessary for registration. Many groups had been denied registration on multiple occasions.

On May 15, the Ministry of Justice registered Tell the Truth as a public association. On April 11, the group has filed application for registration; it was the seventh time the group had applied for registration as an NGO.

On July 21, the Justice Ministry denied an application to register the research and educational NGO known as “Dzeya (Act).” The main goal of the group was to monitor human rights and fundamental freedoms, track the country's compliance with international agreements, and promote the rule of law, civil society, and development of democratic institutions. The ministry noted that the application missed a surname and had some other minor errors.

On October 4, the Supreme Court upheld the Justice Ministry's decision to deny registration to the Social Christian Movement, a new NGO affiliated with the unregistered Belarusian Christian Democracy party. In August the Ministry denied the registration because a component of one of the founders' name was written incorrectly and because the NGO chairperson was not named in the application documents. This was the group's second denial during the year.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government at times restricted the right of citizens, former political prisoners in particular, to foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

The law also requires persons who travel to areas within 15 miles of the border (aside from authorized crossing points) to obtain an entrance pass.

Foreign Travel: The government's database of persons banned from traveling abroad contained the names of individuals who possessed state secrets, faced criminal prosecution or civil suits, or had outstanding financial obligations. Authorities informed some persons by letter that their names were in the database; others learned only at border crossings. The Ministry of Internal Affairs and security agencies, border and customs services, and financial investigation departments have a right to place persons on "preventive" surveillance lists.

Students required permission from the head of their educational institution to study abroad. The Ministry of Internal Affairs is also required to track citizens working abroad, and employment agencies must report individuals who do not return from abroad as scheduled.

Exile: The law does not allow forced exile, but sources asserted that security forces continued to threaten some opposition members with bodily harm or prosecution if they did not leave the country, and many were in self-imposed exile.

Many university students who were expelled or believed they were under the threat of expulsion for their political activities opted for self-imposed exile and continued their studies abroad.

Protection of Refugees

Access to Asylum: The law provides for granting asylum or refugee status, complementary and temporary protection to foreign citizens and stateless persons, with some exceptions. The government has established a procedure for determining refugee status and a system for providing protection to refugees. The law provides for protection against refoulement granted to foreigners who are denied refugee status or temporary protection but cannot be returned to their countries of origin.

All foreigners except Russians have the right to apply for asylum. According to the terms of the Union Treaty with Russia, Russians may legally settle and obtain residence permits in the country based on their Russian citizenship. Overall, as of October 1, immigration authorities accepted 463 applications for asylum compared with 596 in 2016, including from 359 Ukrainians, 10 Syrians, 8 Afghans, and 12 Pakistani.

In addition to refugee status, the country's asylum law provides for complementary protection in the form of temporary residence. In the period January-September, 364 foreigners were granted complementary protection (333 Ukrainians, 14 Syrians, six Yemenis, seven Afghans, one Georgian, and three Egyptians).

Freedom of Movement: Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to authorities while their applications are being considered, including during appeals. Authorities reportedly often encouraged asylum seekers to settle in rural areas; however, the majority settled in cities and towns. Change of residence was possible with a notification to authorities. Authorities issue registered asylum seekers certificates that serve as documents to confirm their status of asylum-seekers and identity and protect them from expulsion. In accordance with the law, they also must register with local authorities at their place of residence.

Durable Solutions: Adult asylum seekers have to pay for higher education as well as for nonemergency medical services while minors receive education and medical

services free of charge. Free legal assistance, housing, and language training are not available to either asylum seekers or refugees.

Temporary Protection: Although the government may provide temporary protection (for up to one year) to individuals who may not qualify as refugees, it did not do so during the year.

Stateless Persons

As of July 1, the Ministry of the Interior and UNHCR listed 5,915 stateless persons in the country; all had permanent residence according to authorities.

Permanently resident stateless persons held residence permits and were treated comparably to citizens in terms of access to employment, with the exception of a limited number of positions in the public sector and law enforcement that were available only to citizens. There were reports that stateless persons occasionally faced discrimination in employment, since authorities often encouraged them to settle in rural areas where the range of employment opportunities was limited. According to UNHCR, stateless persons could freely change their region of residence.

There is a path towards citizenship for this stateless population. The main requirement is at least seven years' permanent residence. Authorities have a procedure for expedited naturalization procedures but mostly for individuals born or permanently residing in the country prior to the collapse of the Soviet Union, ethnic Belarusians, their spouses, and descendants. If a child is born into a family of stateless persons permanently residing in the country, the child is entitled to Belarusian citizenship. The decrease of the number of stateless individuals in the country was attributed to their naturalization.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government consistently denied citizens this ability by not conducting elections according to international standards.

Since his election in 1994 to a four-year term as the country's first president, Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the

branches. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent elections, including the presidential elections held in 2015 and parliamentary elections held in 2016, continued to deny citizens the right to express their will in an honest and transparent process including fair access to media and to resources.

Elections and Political Participation

Recent Elections: The September 2016 parliamentary elections failed to meet international standards. For the first time in 12 years, however, alternative voices were seated in parliament. The elections were marred by a number of long-standing systemic shortcomings, according to the OSCE/ODIHR, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe international election observation mission intermediate report. While the observer missions and the international community welcomed visible efforts by authorities to make some procedural improvements, a number of key long-standing recommendations by the OSCE/ODIHR and Council of Europe Venice Commission remained unaddressed, underscoring the need for comprehensive electoral reform as part of the broader democratization process.

The OSCE report found that the legal framework restricts political rights and fundamental freedoms and was interpreted in an overly restrictive manner. While there was an overall increase in the number of candidates, including from the opposition, media coverage did not enable voters to make an informed choice and the campaign lacked visibility. As in past years, only a negligible number of election commission members were appointed from opposition nominees, which undermined confidence in their independence. The early voting, counting, and tabulation procedures continued to be marred by a significant number of procedural irregularities and a lack of transparency.

Out of the 630 nominated candidates, 484 eventually stood for election, including a significant number from the opposition. No candidate was elected unopposed. Despite an overall increase in the number of candidates, the legal provisions for candidate registration allowed for selective implementation. The government did not permit 93 prospective candidates to register, mostly due to inaccuracies in asset and income declarations, an insufficient number of valid signatures in support of their candidacy, or the failure to submit supporting documentation. This approach was overly restrictive, posing disproportionate and unreasonable barriers to candidacy, the OSCE report read.

According to the OSCE report, restrictions on fundamental freedoms of association, expression, and assembly narrowed the public space and negatively affected the environment in which the elections were held. Although a high number of candidates chose not to campaign actively, contributing to broad voter apathy, most were generally able to campaign freely within the restrictive confines of the law. Unequal access to institutions and resources skewed the playing field for candidates, the OSCE assessed. Several candidates stated that the abolition of government campaign financing in 2013 reduced their outreach capacities and therefore limited the choices available to voters and voters' ability to make an informed decision.

The majority of observers at local polling places appeared to be from government-sponsored NGOs. Many of them reportedly received instructions in advance to report to foreign observers that the proceedings were "in order" or to harass independent observers. These government-sponsored groups did not release any reports on their observation efforts or recommendations on how to improve the process.

The OSCE observation mission reported that during the five-day early voting period, "in 8 percent of cases the ballot box was not sealed securely and in 45 percent it was not secured in a safe or metal box." Contrary to the law, 16 percent of the observed precinct electoral commissions recorded the aggregated rather than the daily turnout figure in the daily protocols, in 17 percent of the precincts the daily protocols were not posted publicly, and in some 7 percent electoral commissions observers were not allowed to make photos of them. At the close of early voting, authorities announced a turnout of 31 percent. The report read that turnout was significantly higher in precinct commissions assigned to voters in state enterprises and public institutions, including student dormitories, where there were credible allegations and observation of voters being coerced to vote. The report also noted inconsistent completion of daily protocols and complaints made by independent domestic observers at a number of polling stations alleging discrepancies between the reported turnout number and the number of signatures in voter lists.

According to the OSCE observation mission report, observers assessed the counting process negatively in 24 percent of polling stations observed despite authorities' resolution to enhance observer access to the count. In 27 percent of precinct election commissions, observers were not allowed close to the counting table and to observe without restrictions, and in 8 percent they were not allowed to

take photographs of protocols. In many instances international observers reported that the count was hasty and lacked transparency, and in one-quarter of cases observers could not follow the procedures and see voters' marks on the ballots. In approximately 20 percent of polling stations observed, the final-result protocols were presigned, the validity of ballots was not determined in a consistent and reasonable manner, and spoiled ballots were not packed up and sealed. The tabulation process was observed in all 110 district electoral commissions and assessed negatively in approximately one-quarter of observations. In 12 percent of the precincts there was a delay in transporting precinct protocols to district commissions. In 16 percent of the precincts, the data from precinct protocols were not entered in electronic summarized tables, and in 60 percent the data were not entered in ink. In one-half of the district electoral commissions, observers were not close enough to see data being entered and in one-third of cases were not able to observe the entire process. The government did not permit independent organizations to conduct exit polls.

Local human rights groups Vyasna and the Belarusian Helsinki Committee stated at a postelection press conference that based on their observation the election fell short of international standards and did not fully abide by the country's legislation. They especially noted their concern regarding early voting procedures, the lack of transparency in the vote-count process, and the domination of election commissions by progovernment organizations.

Amendments in 2013 to the electoral code introduced a simple majority system in the first round of elections for the National Assembly and ended government funding of campaigns while increasing the allowable amount of private funding. Some members of the democratic opposition stated that the amendments disproportionately targeted the opposition because it had little access to private funds given President Lukashenka's public statements that businesses should not finance the opposition or face punishment. Additionally, the amendments prohibit citizens from campaigning to disrupt elections and referenda or to have them cancelled, postponed, or boycotted. Other changes included regulations on who may appeal for a vote recount and what type of questions may be put to public referendum.

Political Parties and Political Participation: Authorities routinely harassed and impeded the activities of opposition political parties and activists. Some opposition parties lacked legal status because authorities refused to register them, and the government routinely interfered with the right to organize, run for election, seek votes, and publicize views. The government allowed approximately half a

dozen largely inactive but officially registered pro-Lukashenka political parties to operate freely.

During the year authorities fined and arrested a number of opposition political parties' leaders for violating the Law on Mass Events and participating in numerous unauthorized demonstrations. For example, on March 13 in Maladzechna, courts convicted opposition protest leaders United Civic Party Chair Anatol Lyabedzka, cochair of the Belarusian Christian Democracy party Vital Rymasheuski, and For Freedom movement chair Yuri Hubarevich for 15 days. Volha Kavalkova, a Belarusian Christian Democracy party activist, was sentenced to seven days in jail. The four led a local protest on March 10. Authorities sentenced at least nine more opposition activists to up to 15 days in jail.

The law allows authorities to suspend parties for six months after one warning and close them after two. Members of parties that authorities refused to register, such as the Belarusian Christian Democracy Party, continued to be subjected to harassment and arbitrary checks. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

The Ministry of Justice sent a warning dated March 29 to the Belarusian Popular Front, the United Civic Party, and the For Freedom Movement notifying the three groups that they had violated the Laws on Political Parties and on Mass Events by promoting the March 25 Freedom Day demonstration online before receiving final approval for the demonstration from the city authorities.

Authorities continued to limit activities of the unrecognized Union of Poles of Belarus and harass its members.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process but patriarchal social attitudes disfavored women's efforts to achieve positions of power. In 2015 Tatsiana Karatkevich was the first woman to run for president, and on election day President Lukashenka told the press, "our president has numerous functions, from security to the economy. A person in a skirt is unlikely to be able to cope with them now." He added that even if this were not the case, society was not ready for a female president.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government regularly prosecuted officials alleged to be corrupt; however, reports indicated that some officials continued to engage in corrupt practices with impunity. The World Bank's *Worldwide Governance Indicators* reflected that corruption was a serious problem in the country.

In September 2016 the Group of States against Corruption (GRECO) released a summary of the interim compliance report that stated the government partially implemented only one of the 20 recommendations made by the Council of Europe's anticorruption monitoring body in June 2015. GRECO noted the "lack of an evidence-based comprehensive strategy and a plan of action for the fight against corruption, and of a mechanism that does not only involve the law enforcement agencies to monitor its implementation independently, comprehensively and objectively."

Individuals dismissed for lower-level corruption face a five-year ban on public-service employment, while those found to have committed more serious abuses are banned indefinitely from government employment. The law also allows seizure of property worth more than 25 percent of a public servant's yearly income for those found guilty of corrupt practices. The law provides for public monitoring of the government's anticorruption efforts.

Corruption: According to official sources, most corruption cases involved soliciting and accepting bribes, fraud, and abuse of power, although anecdotal evidence indicated such corruption usually did not occur as part of day-to-day interaction between citizens and minor state officials.

The absence of an independent judicial and law enforcement systems, the lack of separation of powers, and a harried independent press largely barred from interaction with a nontransparent state bureaucracy made it virtually impossible to gauge the scale of corruption or combat it effectively.

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

In June the Prosecutor General's Office reported that from January to May courts heard 584 corruption cases compared with 451 cases in the same period in 2016.

The most corrupt sectors were state administration and procurement, the industrial sector, the construction industry, health care, and education.

The Prosecutor General's Office reported that authorities investigated 1,593 corruption-related crimes in 2016. Of those, 830 were cases related to accepting or giving bribes, 498 were cases of embezzlement, and 231 cases related to abuse of powers.

There were numerous corruption prosecutions during the year, but prosecutions remained selective, nontransparent, and in some cases appeared politically motivated, according to independent observers and human rights advocates.

On August 8, authorities sentenced at least 16 former customs officers in the framework of a corruption-related criminal case for up to 11.5 years with property forfeiture. On September 5, another group of 11 individuals was convicted on similar charges and sentenced to up to 11.5 years. Police opened the investigation in March 2015 and detained 58 officials of the Customs Office in the town of Ashmiany.

Financial Disclosure: Anticorruption laws require income and asset disclosure by appointed and elected officials, their spouses, and members of households who have reached legal age and continue to live with them in the same household. According to the law, specialized anticorruption departments within the Prosecutor General's Office, the KGB, and the Internal Affairs Ministry monitor and verify anticorruption practices, and the prosecutor general and all other prosecutors are mandated to oversee the enforcement of anticorruption law. These declarations were not available to the public. An exception applies to candidates running in presidential, parliamentary, and municipal elections. There are administrative sanctions and disciplinary penalties for noncompliance.

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

There were a number of active domestic human rights NGOs, although authorities were often hostile to their efforts, restricted their activities, selectively cooperated with them, and were not responsive to their views.

Two prominent human rights NGOs--the Belarusian Helsinki Committee and the Center for Legal Transformations--operated as registered entities. The government refused to register a number of others, placing them at risk under the criminal code

that criminalizes organizing, or participating in any activity by an unregistered organization. The law also prohibits persons from acting on behalf of unregistered NGOs. Nonetheless, some unregistered NGOs, including Vyasna and Legal Assistance to the Population, continued to operate.

Authorities harassed both registered and unregistered human rights organizations. They subjected them to frequent inspections and threats of deregistration, reportedly monitored their correspondence and telephone conversations, and harassed family members of group leaders and activists. The government ignored reports issued by human rights NGOs and rarely met with them. State-run media did not report on human rights NGOs and their activities.

In February 2015 authorities expelled Alena Tankachova, a Russian citizen, from the country and stated she would not be permitted to return for three years. Tankachova, the chair of the Legal Transformation Center (also called Lawtrend), was a permanent resident for 30 years. Authorities accused her of traffic violations and stated she posed a threat to national security. Local human rights organizations asserted the case was politically motivated and that she was expelled for her human rights work. Authorities continued to deny her appeals to remove the re-entry ban against her.

During the year the Belarusian Helsinki Committee's bank accounts remained blocked due to long-standing tax arrears related to foreign funding in the early 2000s, but the government allowed the committee to operate without other interference.

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

Authorities routinely ignored local and international groups' recommendations on improving human rights in the country and requests to stop harassing the human rights community.

Authorities may close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what it considered illegal forms of foreign assistance and permits the Ministry of Justice to monitor any NGO activity and to review all NGO documents. NGOs also must submit detailed

reports annually to the ministry regarding their activities, office locations, officers, and total number of members.

The United Nations or Other International Bodies: In June the UN Human Rights Council extended the mandate of Miklos Haraszti as the special rapporteur on the human rights situation in Belarus. During the year Haraszti released statements and a report on the situation of human rights in the country. Senior Foreign Ministry officials continued to assert Haraszti's mandate was "politically motivated" and that his appointment was made "without consultations and approval from Belarusian authorities." While the government continued to refuse any cooperation with his mission and allow him to visit the country in his official capacity, it let him attend the July 5-9 OSCE Parliamentary Assembly in Minsk as a private individual by invitation from members of the OSCE Parliamentary Assembly.

Government Human Rights Bodies: In October 2016 the government adopted a national human rights action plan and described it as "a political document and a kind of a road map to outline main activities for us to implement our international obligations" on human rights and published "the interagency plan to implement the 2016-19 Universal Periodic Review recommendations." While independent human rights groups, including the human rights center Vyasna and the Belarusian Helsinki Committee (BHC), welcomed the plan's adoption, they also noted with concern that the documents lack specific target goals or results assessment mechanisms. Civil society groups noted that the government failed to include any of the concrete suggestions they recommended during the drafting of the plan that they believed would have made the plan more substantial. There were no substantial steps taken to implement the plan during the year.

A standing commission on human rights in the lower chamber of parliament was ineffective.

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

Women

Rape and Domestic Violence: The law criminalizes rape in general but does not include separate provisions on marital rape. Rape was a problem. According to the Ministry of Internal Affairs, there were 108 registered cases of rape or attempted rape from January to June 2017.

Domestic violence was a significant problem, and the government took measures to prevent it during the year. The government directed efforts to combat gender-based violence mainly by preventing such crimes and not by protecting or assisting victims, although crisis rooms provided limited psychological and medical assistance to victims.

The law on crime prevention establishes a separate definition of domestic violence and provides for implementation of protective orders, which are from three to 30 days in duration. The law requires authorities to provide victims and abusers with temporary accommodation until the protective orders expire. In addition, the code on administrative offenses prescribes a large fine or detention for up to 15 days for battery, intended infliction of pain, and psychological or physical suffering committed against a close family member.

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

Coercion in Population Control: Women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for equal treatment of women with regard to property ownership and inheritance, family law, equal pay for equal work (although in practice women were often paid less), and in the judicial system, and the law was generally respected.

Children

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

Child Abuse: Authorities intervened to prevent child abuse stemming from domestic violence and identified families in vulnerable conditions, providing foster care to children who could not remain with their immediate families while preventive work was underway. Although the government increased prosecution of child abusers, its efforts to address the causes of child abuse were inadequate.

The government instituted a 2017-21 comprehensive national plan to improve childcare and the protection of children's rights, including for victims of child abuse, domestic violence, and commercial sexual exploitation, and acknowledged a lack of funding and inefficiency in executing certain protective measures. With assistance from NGOs that promote children's rights, authorities extensively employed procedures for on-the-record, one-time interviewing of child abuse victims in the framework of investigations or criminal cases at specialized facilities under the direct supervision of psychologists. Courts used recorded testimony to avoid repeatedly summoning child abuse victims for hearings. Cases that affected the rights and legitimate interests of minors were generally heard by more experienced judges with expertise in developmental psychology, psychiatry, and education. The government failed to resume operations of a national hotline for assisting children despite various NGOs' requests to support the hotline.

As of January the Ministry of Education ran 138 social-educational centers nationwide for minor victims of any type of violence or minors finding themselves in vulnerable and dangerous conditions. General health-care institutions provided a wide range of medical aid to child abuse victims free of charge.

Rape or sexual assault of a person known to be a minor is punishable by up to 15 years' imprisonment. Sexual acts between a person older than 18 and a person known to be younger than 16 carry penalties of up to five years imprisonment.

According to the Interior Ministry, from January to November authorities registered 533 pedophilia and related crimes, including 76 cases of rape of prepubescent children, 173 cases of sexual violence against minors and prepubescent children, 250 cases of sexual intercourse and sexual molestation of minors under age 16, and 34 cases of sexual molestation of minors, and identified 396 victims of these crimes.

Early and Forced Marriage: The legal minimum age of marriage for both boys and girls is 18, although girls as young as 14 may marry with parental consent. There were reports of early marriage in which girls as young as 14 and boys as young as 16 married with parental consent.

Sexual Exploitation of Children: The minimum age for consensual sex is 16. Prostitution of children was a problem. From January to November, the Internal Affairs Ministry investigated 63 cases of the production and distribution of child pornography. Twenty-nine minors were victims of sexual exploitation, including 25 in child pornography, and four in prostitution. The law provides penalties of up

to 13 years in prison for production or distribution of pornographic materials depicting a minor. The law generally was enforced.

Institutionalized Children: There was no system for monitoring child abuse in orphanages or other specialized institutions. Authorities did not publicly report on any child abuse incidents in institutions. There were allegations of abuse in foster families. The government opened or continued investigations into some of these cases.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

Jewish groups estimated that between 30,000 and 40,000 persons identified themselves as Jews.

Anti-Semitic incidents continued. Jewish community and civil society activists expressed concern regarding pan-Slavic nationalism professed by some extremist groups. Neo-Nazis such as the Russian National Unity group and supporters of similar groups were widely believed to be behind anti-Semitic incidents across the country. Anti-Semitic and xenophobic newspapers, literature, digital video discs, and videotapes, frequently imported from Russia were widely available. The government did not promote antibias and tolerance education.

Authorities in Mahilyou convicted local 26-year-old resident Andrei Kuzmin of inciting ethnic hatred against Russians and Jews, including calling for their annihilation, and sharing ethnically and religiously hateful beliefs and Nazi symbols through his social networking pages, and sentenced him to six months' imprisonment. Kuzmin reportedly pled guilty in court.

In July media reported that many Holocaust memorials built in Soviet times and more recently do not acknowledge Jewish victims. The Jewish community was working with local authorities to erect new monuments that specifically commemorate Jewish victims.

On February 20, a Mahilyou district court sentenced three individuals for spraying black paint in November 2016 on a monument commemorating thousands of Jews

who were killed by Nazis in the local ghetto during the Holocaust. Two of the three young men were sentenced to up to two-and-a-half years' imprisonment and one received a two-year suspended sentence due to his minor age. All three pleaded guilty and admitted to expressing Nazi ideas and to belonging to a local skinhead group. A higher court dismissed their appeal to challenge their convictions on May 16.

Trafficking in Persons

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

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities; discrimination was common.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities, but few public areas were wheelchair accessible or accessible for hearing and vision-impaired persons. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and stated their residences were not suitable to accommodate persons with physical disabilities. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations considered this figure inflated although the situation slightly improved during the year.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 80 such institutions across the country housed more than 17,000 persons. Disability rights organizations reported that the quality of care in these facilities was low, and instances of fundamental human rights violations, harassment, mistreatment, and other abuse were reported. Authorities frequently placed persons with physical and mental disabilities in the same facilities and did not provide either group with specialized care.

Public transportation was free to persons with disabilities, but the majority of subway stations in Minsk and the bus system were not wheelchair accessible. In September experts of the ACT NGO released a monitoring report indicating that

3.3 percent of all educational institutions across the country were accessible to persons with disabilities, including with vision and hearing disabilities, and most of these facilities were recently constructed.

Disability rights organizations reported difficulty organizing advocacy activities due to impediments to freedom of assembly, censorship, and the government's unwillingness to register assistance projects (see section 2.b.).

Persons with disabilities, especially those with vision and hearing disabilities, often encountered problems with access to courts and obtaining court interpreters. Women with disabilities often faced discrimination, and there were reports of authorities attempting to take children away from families in which parents had disabilities, claiming that they would not appropriately care for their children. Women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies.

National/Racial/Ethnic Minorities

Governmental and societal discrimination against Roma persisted. According to leaders of the Romani communities, security and law enforcement agencies arbitrarily detained, investigated, and harassed Roma, including by forced fingerprinting, mistreatment in detention, and ethnic insults.

Authorities continued to harass the independent and unregistered Union of Poles of Belarus, while supporting a progovernment organization of a similar name.

Official and societal discrimination continued against the country's 7,000 (according to the 2009 census) to 60,000 Roma (according to Romani community estimates). The Romani community continued to experience marginalization, various types of discrimination, high unemployment, low levels of education, and lack of access to social services. Roma generally held citizenship, but many lacked official identity documents and refused to obtain them.

In July, Aliaksandr Burakou, a human rights advocate in Mahilyou, filed a complaint with a local prosecutor's office asking it to study online reports from local police describing a number of suspects in various cases as Roma. Burakou asserted that such reports incited interethnic discord and hatred towards a certain minority group. The office forwarded Burakou's complaint to Mahilyou police. On August 1, Mahilyou police dismissed Burakou's claims and stated that the

reports noted ethnicity in order to “promptly identify suspects and investigate their committed crimes and to raise the public’s vigilance.”

There were also expressions of societal hostility toward proponents of the national culture that the government often identified with actors of the democratic opposition, repeatedly labeled by the president as “the fifth column.” Because the government viewed many proponents of the Belarusian language as political opponents, authorities continued to harass and intimidate academic and cultural groups that sought to promote Belarusian and routinely rejected proposals to widen use of the language.

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

Consensual same-sex conduct between adults is not illegal, but discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons was widespread, and harassment occurred. Societal discrimination against LGBTI activists persisted with the tacit support of the regime. Police continued to mistreat LGBTI persons and refused to investigate crimes against them.

On May 13, police disrupted a party organized by an LGBTI group at a nightclub in Minsk and wrote down everyone’s names as well as their places of employment or education. Police also briefly detained approximately 10 individuals who either refused to show identification or were identified by police as organizers of the party. Officers reportedly claimed they received notices of possible drug trafficking and abuse of minors at the club. All those detained were released without charge.

The government provides transgender persons with new national identification documents but retains old identification numbers that include a digit that signifies gender. Transgender persons reportedly were refused jobs when potential employers noted the “discrepancy” between the applicant’s identification number and the stated gender. Banks also refused to open accounts for transgender persons on the same grounds.

HIV and AIDS Social Stigma

Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy social stigma. The Joint UN Program on HIV/AIDS reported there were numerous reports of HIV-infected individuals who faced

discrimination, especially at workplaces and during job interviews. There were also frequent reports of family discrimination against HIV/AIDS-positive relatives, including preventing HIV/AIDS-positive parents from seeing their children or requiring HIV/AIDS-positive family members to use separate dishware.

The government continued to broadcast and post public service advertisements raising awareness concerning HIV/AIDS and calling for greater tolerance toward persons infected with the virus.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although the law provides for the rights of workers, except state security and military personnel, to form and join independent unions and to strike, it places a number of serious restrictions on the exercise of these rights. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination. Workers who say they are fired for union activity have no explicit right to reinstatement or to challenge their dismissal in court, according to independent union activists.

The law provides for civil penalties in the form of fines for violations of the freedom of assembly or collective bargaining, which, according to local worker rights advocates, were not sufficient to deter violations. The government also did not enforce these penalties.

The government severely restricted independent unions. The government-controlled Federation of Trade Unions of Belarus is the largest union, claiming more than four million members. It largely resembled its Soviet predecessors and served as a control mechanism and distributor of benefits. The Belarusian Congress of Democratic Trade Unions (BCDTU), with four constituent unions and approximately 10,600 members of independent trade unions, was the largest independent union umbrella organization, but tight government control over registration requirements and public demonstrations made it difficult for the Congress to organize, expand, and strike.

Government did not respect freedom of association and collective bargaining. Prohibitive registration requirements that any new independent union have a large membership and cooperation from the employer continued to present significant obstacles to union formation. Trade unions may be deleted from the register by a

decision of the registrar, without any court procedure. The registrar may remove a trade union from the register if, following the issuance of a written warning to the trade union stating that the organization violates legislation or its own statutes, the violations are not eliminated within a month. Authorities continued to resist attempts by workers to leave the official union and join the independent one.

The legal requirements to conduct a strike are high. For example, strikes may only be held three or more months after dispute resolution between the union and employer has failed. The duration of the strike must be specified in advance. Additionally, a minimum number of workers must continue to work during the strike. Nevertheless, these requirements were largely irrelevant, since the unions that represented almost all workers were under government control. Government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements. Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal. Union members who participated in unauthorized public demonstrations were subjected to arrest and detention. Due to a persistent atmosphere of repression and the fear of imprisonment, few public demonstrations took place during the year.

The Law on Mass Events also seriously limited demonstrations, rallies, and other public action, constraining the right of unions to organize and strike. No foreign assistance may be offered to trade unions for holding seminars, meetings, strikes, pickets, etc., or for "propaganda activities" aimed at their own members, without authorities' permission. Authorities across the country continuously denied applications for permission from independent trade unions to hold authorized demonstrations to highlight labor-related issues.

On March 17, a Homyel district court sentenced in absentia prominent trade union activist Andrei Stryzhak to 10 days in jail for a February 21 protest outside the courthouse. A group of activists gathered to demonstrate support to a local resident suing the government regarding a presidentially signed decree enforcing unemployed individuals to pay an annual tax.

On October 3, Minsk city authorities refused the Belarusian Congress of Democratic Trade Union's application to march through the outer boroughs of the city to hold a demonstration marking October 7 World Day for Decent Work.

Government efforts to suppress independent unions included frequent refusals to extend employment contracts for members of independent unions and refusals to register independent unions. According to BCDTU leader Aliaksandr Yarashuk, no independent unions have been established since a 1999 decree requiring trade unions to register with the government. Authorities routinely fired workers who were deemed “natural leaders” or who involved themselves in NGOs or opposition political activities.

On August 2, the State Control Committee’s Financial Investigations Department raided offices, confiscated equipment and financial documents, and interrogated leaders and members of two independent trade unions, the Radio and Electronics Trade Union (REP) in Minsk and the Trade Union of Miners and Chemical Industry Workers in Salihorsk. Authorities also raided three REP leaders’ private residences, seizing printed materials and digital equipment. REP Head Genadz Fedynich and REP accountant Ihar Komlik were charged with large-scale tax evasion. Authorities placed Komlik in pretrial detention but released him on October 2. Fedynich and Komlik continue to face charges and were banned from leaving the country. Belarusian human rights organizations considered the charges to be politically motivated.

The government requires state employees, including employees of state-owned enterprises, who constituted approximately 70 percent of the workforce, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one year, which gave the government the ability to fire employees by declining to renew their contracts. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice. A government edict provides the possibility for employers to sign open-ended work contracts with an employee only after five years of good conduct and performance by the employee.

Opposition political party members and democratic activists sometimes had difficulty finding work due to government pressure on employers.

In 2014 the president issued Decree No. 5 On Strengthening the Requirements for Managers and Employees of Organizations, which the authorities stated was aimed at rooting out “mismanagement,” strengthening discipline, and preventing the hiring of dishonest managers in new positions. Among other subjects under the new decree, managers may reduce payment of employee bonuses (which often comprised a large portion of salaries) and workers may be fired more easily. An

independent trade union lawyer told the press that workers have fewer rights under the new law.

b. Prohibition of Forced or Compulsory Labor

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

Parents who have had their parental rights stripped and are unemployed, or are working but fail to compensate state childcare facilities for the maintenance of their children, are subject to forced employment by court order. Individuals who refuse forced employment may be held criminally liable and face community service or corrective labor for a period of up to two years, imprisonment for up to three years, or other freedom restrictions, all involving compulsory labor and garnishment of 70 percent of their wages to compensate expenses incurred by the government.

In January 2010 the government enforced procedures for placing individuals suffering from chronic alcohol, drug or other substance abuse in so-called medical labor centers when they have been found guilty of committing criminal violations while under the influence of alcohol, narcotics and psychotropic, toxic or other intoxicating substances. Such offenders may be held in these centers by court orders for a period of 12 to 18 months. They are mandated to work and if they refuse, they may be placed in solitary confinement for up to 10 days. On July 31, the deputy head of the Supreme Court, Valer Kalinkovich, justified operations of the medical labor centers, saying there was no alternative for alcohol addicts who also “violated rights of other people.”

An April 2015 presidential decree, On Preventing Social Parasitism, which aims to force individuals to find employment, established a supplemental tax on persons who worked less than six months during the year of up to 360 rubles (\$200) annually, depending on how much they paid in taxes when working. The decree applies to all permanent residents, with senior pensioners, legal minors, persons with disabilities, and certain other groups exempted. In 2015 the lower chamber of the parliament introduced penalties for failing to pay the so-called “social parasitism” tax, ranging from a fine to short-term detention that can include court-ordered public community service.

Minsk authorities required officially registered unemployed individuals to perform paid community service two days a month from May to September and one day a

month from October to December and January to April. In addition they were banned from receiving an unemployment benefit of up to 46 rubles (\$24) a month, depending on their length of unemployment, if they performed less than 22 working days of community service during a year. Individuals with disabilities, single parents and parents of three and more children, as well as parents of children with disabilities and under age 18 were exempt.

Regulations against forced labor were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal and inadequate to deter violations. Penalties for violations included forfeiture of assets and sentences of five to 15 years' imprisonment. The government rarely identified victims of trafficking, and prosecution of those responsible for forced labor remained minimal. Government efforts to prevent and eliminate forced labor in the country did not improve.

The government continued the Soviet practice of “subbotniks,” (Saturday work) that requires employees of government, state enterprises, and many private businesses to work on some Saturdays and donate their earnings to finance government social and other projects. Employers and authorities intimidated and fined some workers who refused to participate.

Authorities reportedly forced military conscripts to perform work unrelated to their military service.

Prison labor practices amounted to forced labor. Former inmates stated that their monthly wages were as low as three to four rubles (\$1.5 to \$2). Senior officials with the General Prosecutor's Office and the Interior Ministry stated in November 2015 that at least 97 percent of all work-capable inmates worked in prison as required by law, excluding retirees and persons with disabilities, and that labor in prison was important and useful for rehabilitation and reintegration of inmates. Authorities also continued to employ unpaid agricultural labor, ordering university and high school students to help farmers during the harvesting season.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16, but children as young as 14 may conclude a labor contract with the written consent of one parent or a legal

guardian. The Prosecutor General's Office is responsible for enforcement of the law. Persons under age 18 are allowed to work in nonhazardous jobs but are not allowed to work overtime, on weekends, or on government holidays. Work may not be harmful to children's health or hinder their education.

The government generally enforced these laws and penalties ranging from fines and reprimands to 12 years' imprisonment, which were sufficient to deter most violations. Nevertheless, schoolchildren in isolated cases were induced to help local collective state-owned farms with the August to October harvest. On July 12, a district court in Maladzyechna sentenced two local teachers to two years of "restricted freedom" and a fine of 4,600 rubles (\$2,300) each on charges of negligence that resulted in the death of a schoolgirl helping with harvest in September 2016.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, gender, language, or social status. These laws do not apply specifically to employment or occupation. The government did not effectively enforce these laws or secure any effective penalties to deter violations. Discrimination in employment and occupation occurred with respect to ethnicity, gender, disability, language, sexual orientation and gender identity and expression, and HIV-positive status (see section 6). In addition some members of the Romani community complained that employers often discriminated against them and either refused to employ them or did not provide fulltime jobs. The government did not take any action during the year to prevent or eliminate employment discrimination. Employment discrimination happened across most economic sectors and in both private and public workplaces.

The law requiring equal pay for equal work was not regularly enforced, and the minister of labor and social welfare stated in June 2016 that on average women were paid 24 percent less than men.

Very few women were in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Although the law grants women the right to three years of maternity leave with assurance of a job upon return, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs

reported that up to 85 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities, and calculations of pensions did not consider disability status. Members of the country's Paralympic teams received half the salaries and prize money of athletes without disabilities.

e. Acceptable Conditions of Work

As of October 1, the national minimum monthly wage was in excess of the poverty line.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. The law provides for mandatory overtime and nine days of holiday pay and restricts overtime to 10 hours a week, with a maximum of 180 hours of overtime each year.

The law establishes minimum conditions for workplace safety and worker health, but employers often ignored these standards. Workers at many heavy machinery plants did not wear minimal safety gear. The state labor inspectorate lacked authority to enforce employer compliance and often ignored violations. The number of inspectors was insufficient to deter violations.

The Ministry of Labor and Social Welfare was responsible for enforcement of these laws. Information regarding resources, inspections, remediation, and penalties was not available. The government reported that approximately 400,000 persons worked in the informal economy. The law did not cover informal workers.

The Labor Ministry reported 120 persons killed at workplaces in 2016. The ministry reported the majority of workplace accidents occurred in the heavy machinery production industry and were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction.

The law does not provide workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.