



## Belarus

### Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 8, 2006

Under its constitution, Belarus is a republic with a directly elected president and a bicameral National Assembly (parliament). The country had a population of just under 10 million. President Aleksandr Lukashenko, first elected in 1994, systematically undermined the country's democratic institutions and concentrated power in the executive branch through flawed referenda, manipulated elections, and undemocratic laws and regulations. Parliamentary elections and a referendum that removed term limits on the presidency in October 2004 failed to meet international standards. The civilian authorities generally maintained effective control of the security forces; members of the security forces committed numerous human rights abuses.

The government's human rights record remained very poor and worsened in some areas with the government continuing to commit numerous serious abuses. The following human rights problems were reported:

- denial of citizens' right to change their government through a transparent democratic process
- government failure to account for the disappearance of opposition political figures and a journalist and denial of official involvement in those disappearances
- abuse and occasional torture of prisoners and detainees
- prison overcrowding
- arbitrary arrest and detention of citizens for political reasons
- lack of judicial independence
- imprisonment of citizens for criticizing officials or participating in public demonstrations
- government seizure of leaflets, newspapers, and bulletins from members of civil society
- government closure of several independent newspapers and interference in the operation of others
- massive government fines on independent papers, usually for alleged slander
- security service interference in citizens' right to assemble peacefully and use of force to disperse peaceful protesters
- deregistration and harassment of nongovernmental organizations (NGOs)
- deregistration of churches
- government restriction of citizens' ability to travel abroad freely
- government suppression of opposition political groups through judicial and extrajudicial measures
- domestic violence against women and children
- trafficking of women and girls
- official and societal discrimination against the Romani community
- government interference in the internal affairs of ethnic minority organizations
- official and societal discrimination against homosexuals
- government harassment of independent unions and their members

## RESPECT FOR HUMAN RIGHTS

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

### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports that the government or its agents committed any politically motivated killings; however, at least

two persons died in police custody under unexplained circumstances, while unknown persons tortured and killed another at a time when the government was denouncing her NGO, and a journalist died under unexplained circumstances.

On January 7, police detained 18-year-old Maxim Mois for urinating in public. He died the same day under unexplained circumstances at a government detoxification facility. When family members went to collect his body, they reported his arms and legs were tied.

On June 20, 68-year-old Jozefa Waraksa was tortured and killed in the village of Rakov. Her tongue was split lengthwise before she was killed. Waraksa was a local leader in the Union of Belarusian Poles; she was killed during a period in which the government was loudly denouncing the organization and attacking it in the state media (see section 2.b.). Police charged a local resident, A.S. Pototskiy, with murdering her while drunk, and a court sentenced Pototskiy to 15 years in prison.

In August Vasiliy Shevelenko was killed in a government detoxification facility in Svetlogorsk. His father claimed Shevelenko was beaten on the head and neck and that his nose was broken and his arms bruised. Authorities initiated a criminal case against an employee of the facility for abusing his authority in connection with the killing; authorities had not completed the investigation at year's end.

On October 18, independent journalist Vasily Grodnikov was found dead in his apartment in unexplained circumstances. Authorities ruled that no crime had been committed (see section 2.a.).

Authorities reportedly blocked investigations into the killing of several servicemen by unknown persons.

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances during the year.

On April 7, authorities announced they reopened the investigation into the disappearance and presumed killing of television journalist Dmitryy Zavadskiy in 2000. However, the government did not make a serious effort to solve the case. Credible evidence indicated that government agents may have killed Zavadskiy for his reporting that government officials may have aided Chechen separatists. In August President Lukashenko granted the order of For Service to the Motherland to Colonel Dmitry Pavlichenko, named in a Parliamentary Assembly of the Council of Europe report as having played a key role in the disappearances.

On April 14, the UN Commission for Human Rights (UNCHR) approved its third resolution on human rights in the country, urging the government to conduct an impartial investigation into the disappearances of Zavadkiy, opposition figures Yury Zakharenko and Viktor Gonchar in 1999, and businessman Anatoliy Krasovskiy in 1999. The report recommended the suspension of those senior officials suspected of involvement. The UNCHR also extended the mandate of its special rapporteur to examine the country's human rights performance (see section 4).

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

The law prohibits such practices; however, police and prison guards on occasion beat detainees and prisoners.

On March 11, a police officer in Orsha seriously beat Vasiliy Sinkovsky, detained on suspicion of theft, breaking four of his ribs and piercing a lung. Criminal charges were filed against the officer for abusing his authority.

At his May 31 trial, opposition party leader Nikolay Statkevich claimed that, after his arrest, he was placed in a cell with a prisoner suffering from dysentery (see section 1.e.). He also complained that authorities did not provide him food for the first day of his detention.

Mogilev police detained youth Zubr activist Evgeniy Suvorov without charge on August 28. Suvorov complained that his hands and feet were shackled behind him and he was held overnight and bent backwards in the "swallow" stress position. Suvorov had previously been arrested for distributing independent newspapers.

There were no reports of police coercing confessions through beatings or psychological pressure during the year.

Police and plainclothes officers occasionally beat individuals while arresting them or holding them in detention for organizing or

participating in public demonstrations (see section 2.b.). In October 2004 police used truncheons and other force to break up a protest following the constitutional referendum and arrested at least 150 protesters. Police severely beat United Civic Party (UCP) leader Anatoly Lebedko and a journalist.

There were credible reports that, in March, authorities allowed imprisoned opposition activist Mikhail Marinich to remain in his prison bed for three days after suffering a stroke before providing him medical treatment (see section 1.d.).

Credible reports indicated that police and prison officials continued to mistreat and torture prisoners. Reports from the Mozyr prison in particular claimed that beatings and mistreatment were common practices. Additionally, human rights groups reported prisoners did not receive adequate food, sufficiently warm clothing in winter, and were often denied a bed. As a result, tuberculosis, pneumonia and other diseases were widespread.

On March 14, guards at the Mozyr prison severely beat prisoner Ramazan Mamedbekov, reportedly on orders from warden Yury Zborovskoy, for refusing to perform unpaid work. On March 24, prison guards used excessive force against five convicts in Mozyr, in the process of which Major Shulga reportedly broke the arm of one prisoner. In protest of this abuse, 50 convicts went on a hunger strike.

The practice of hazing new army recruits through beatings and other forms of physical and psychological abuse reportedly continued. Authorities blocked efforts by family members and human rights observers to investigate reports of hazing of servicemen.

#### Prison and Detention Center Conditions

Prison conditions remained austere and were marked by occasional shortages of food and medicine and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Leila Zerrougui, the chairperson of the UN Working Group on Arbitrary Detention, who visited the country in 2004, noted that conditions in detention centers were worse than those in prisons because of improper sanitary and living conditions, restrictions on detainees' rights to make phone calls and receive parcels, and pressure to confess to wrongdoing. According to human rights monitors, conditions in prison hospitals were also poor.

Overcrowding was not a serious problem in the country's prisons, which held approximately 33 thousand prisoners. However, many of the work release prisons, which housed those serving *khimya* (restricted freedom and labor in a remote area), were severely overcrowded. For example, the 74-bed *khimya* facility in Vitebsk housed over 200 prisoners. Facilities in Polotsk, Beryoza, and Zaslavl were also reportedly very overcrowded, causing them to violate sanitary, disease, and fire safety regulations. In many cases, food provided in prisons did not meet individual nutritional requirements.

Pretrial detainees were sometimes held with convicted prisoners. Authorities frequently kept those arrested for political activities in the Okrestina detention center in Minsk. Former detainees reported being placed in greatly overcrowded cells and being forced to take turns sleeping, as there was not room for everyone to lie down. Insufficient food was provided, although families and friends were often permitted to bring detainees food and hygiene products. The cells were damp, underheated, and poorly ventilated.

Authorities sometimes granted human rights observers access to prisons; however, no such visits occurred during the year. In August 2004 authorities provided a delegation from the UN Working Group on Arbitrary Detention general access to prisons and detention centers, but denied the group access to a Committee for State Security (BKGB) detention center on the grounds it had not requested the visit in advance. The delegation indicated that it had not been informed of a notification requirement.

#### d. Arbitrary Arrest or Detention

The law limits arbitrary detention; however, the government did not abide by these limits. Authorities continued to arrest individuals for political reasons and use administrative measures to detain political activists before, during, and after protests (see section 2.b.).

#### Role of the Police and Security Apparatus

The Ministry of Interior has authority over the police, but the BKGB and presidential security forces also exercise police functions. The president has the right to subordinate all security bodies to his personal command. Petty corruption among police was widespread, although the government made attempts to limit official corruption. Impunity remained a serious problem. While

the law gives individuals the right to report police abuse to the prosecutor, the government often did not investigate abuses by the security forces or hold perpetrators accountable.

## Arrest and Detention

Police frequently arrested individuals without a warrant. However, to detain an individual for longer than three hours, police must obtain an order from an authorized individual.

The law requires that police provide an explanation when making a detention; in practice police often detained individuals for several hours for the ostensible purpose of confirming their identity. Authorities frequently used this tactic to detain opposition members and demonstrators, prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings (see section 2.b.). For example, on October 3, police detained and fingerprinted Andrey Malasay of the environmental NGO For a Clean Borisov for passing out schedules for independent television news. On August 24, police in Gomel disrupted a meeting of local NGOs for nearly an hour, demanding to verify everyone's identity. On July 30, police in Dokshitsy detained two Belarusian Popular Front members and seized copies of independent publications. Police also disrupted opposition meetings by detaining organizers for identity checks in Svetlogorsk on June 15, in Sianno on July 3, and in Pinsk on July 10. All were released without charge.

The law allows police to detain a person suspected of a crime for up to 10 days without a formal charge and for up to 18 months to conduct an investigation once charges are filed. The law allows prosecutors and investigators to extend these periods without consultation with a judge. The law gives detainees the right to petition the court to determine the legality of their detention. In practice appeals by suspects seeking court review of their detentions were frequently suppressed because detention officials were unwilling to forward the appeals. The law provides for bail, but bail was not granted in practice.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. While the law requires the government to provide indigent persons with legal counsel from time of detention, authorities did not do so in practice. Information obtained from such interrogations was used against the defendants in court. Suspects were at times denied access to a lawyer. The government frequently failed to notify family members when a detention occurred, including that of a juvenile.

There were a number of individuals detained for political reasons during year. The government arbitrarily detained representatives of independent media (see section 2.a.). The NGO Reporters Without Borders stated that in July authorities arrested, fined, imprisoned, or prevented from entering the country 19 journalists who were trying to report on the Union of Belarusian Poles (see section 2.b.). Plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in antigovernment demonstrations or who distributed opposition materials (see section 2.b.). Security officials also held some detainees incommunicado following demonstrations.

Lengthy pretrial detention was common. Authorities held several prominent political detainees for prolonged periods in pretrial detention without filing formal charges. On May 15, authorities arrested former opposition member of parliament Sergey Skrebets in Minsk on suspicion of bribery; Skrebets remained in detention awaiting trial at year's end. The BKGB held opposition politician Mikhail Marinich in pretrial detention from April to December 2004 before a court convicted him of the theft of computer equipment and cell phones (see section 1.e.).

## Amnesty

Starting in May, authorities released or shortened the sentences by a year of some two thousand prisoners under an amnesty celebrating the 60th anniversary of victory in World War II.

### e. Denial of Fair Public Trial

The constitution specifies that the judiciary is independent, but the judiciary did not operate independently in practice. There was credible evidence that prosecutors charged and courts convicted individuals on false charges.

The president has authority to appoint 6 of the 12 members of the Constitutional Court, including the chairman, and the chairmen of the Supreme Court and the Supreme Economic Court. He also has authority to appoint and dismiss all district and military judges, and credible reports claimed senior judges received housing from the presidential administration. Corruption and inefficiency in the judiciary were generally the result of political interference in the work of the court system. During the year one

judge was tried and convicted of corruption.

While members of the political opposition were held in pretrial detention for prolonged periods, the former head of the presidential administration's property management department, Galina Zhuravkova, was held in house arrest from February 2004 until being convicted of embezzling \$3.5 million on February 8. Despite being sentenced to four years in prison, she was never taken into custody.

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

Prosecutors are organized into offices at the district, regional, and republic levels. They are responsible to, and serve at the pleasure of, the prosecutor general, who is appointed by the president. Prosecutors are not independent and do not have authority to bring charges against the president or members of his executive staff.

In April the Office of the UN High Commissioner for Refugees (UNHCR) working group on arbitrary detention released a report that described prosecutors' authority as excessive and imbalanced. The report noted that the decision to hold a person in detention or to extend the period of detention is taken not by a judge but by a prosecutor, acting on the proposal of an investigator. Investigations also are conducted by investigators and prosecutors without effective judicial oversight. The report saw an imbalance between the powers of the prosecution and the rights of the defense. Lawyers do not benefit automatically from the right to examine the investigation file, to be present during the gathering of evidence, or to look at all elements of proof against a client until the prosecutor formally transmits the case to the court. Lawyers found it difficult to call some evidence into question, since technical expertise was under the control of the prosecutor's office. The working group was repeatedly told that, as a result, there are few cases of criminal defendants being found not guilty.

A presidential decree subordinating all lawyers to the Ministry of Justice compromised the independence of lawyers. Lawyers must be licensed by the Ministry of Justice and are required to work for the state in regional collegiums. The law prohibits private attorneys from practicing, and lawyers must renew their licenses every five years. Several lawyers have claimed that they were told their licenses would not be renewed because of their activities in defense of NGOs or opposition political parties.

#### Trial Procedures

The law provides for public trials; however, the courts frequently held trials in judges' offices, which prevented interested observers from attending. Several trials, particularly of political figures, were closed to the public. Judges adjudicate most trials; juries determine innocence or guilt only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial. Judges depended on the Ministry of Justice for funding court infrastructure and on executive branch officials for personal housing, and there were widespread and credible reports that executive and local authorities dictated the outcome of trials.

On October 22, authorities arrested Malady Front activists Dzianis Bujnitski and Siarhei Latsinski in Bobruisk for unfurling a prohibited white-red-white flag at a concert. A judge conducted their trial behind closed doors in jail, where he sentenced them to two days detention for petty hooliganism.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected.

The law provides for access to legal counsel for detainees and requires that the court appoint a lawyer for those who cannot afford one; however, at times these rights were not respected. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits members of NGOs from representing individuals other than members of their organizations in court. This decree was used on several occasions to deny NGO members the right to defend individuals in court and was also used as a pretext to close certain NGOs (see section 4).

The laws establish a presumption of innocence; however, in practice defendants frequently had to prove their innocence.

Defendants have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in verdict reversals. In an appeal, neither defendants nor witnesses appear before the court; the court only reviews the protocol and other documents from the lower court's trial. In 2004 the chairman of the Supreme Court stated that only 1.5 percent of court

decisions were overturned on appeal.

## Political Prisoners

The number of reported political prisoners increased.

On May 31, a Minsk court sentenced Nikolay Statkevich and Pavel Severinets to three years of *khimya* in a politically motivated trial for organizing unsanctioned protests after the October 2004 referendum. Both sentences were later reduced to two years in a general amnesty. As the result of earlier politically motivated convictions, Statkevich served a 10-day sentence and Severinets a 15-day sentence for the same crime in October 2004. Those serving *khimya* live in prison barracks and are forced to find work under conditions set by the government. Severinets, head of a prodemocracy NGO, was sent to the village of Maloye Sitno, where he worked in a railroad station. Statkevich, leader of an opposition party, was sent to Baranovichi to be close to his family; on August 9, he was tried on the politically motivated charge of holding an unsanctioned meeting after several supporters visited him on July 29.

On June 10, a Minsk court sentenced Andrey Klimov to 18 months' *khimya* in a politically motivated trial for organizing an unsanctioned protest on March 25. Klimov subsequently found work as a street cleaner in the small town of Krupki. In 2004 Klimov announced his intention to run for president against Lukashenko. He previously spent four years in prison for alleged embezzlement.

In a general amnesty, on July 7, authorities released opposition activist Aleksandr Vasilev, who was sentenced in September 2004 with another opposition activist, Valery Levonevskiy, to two years in prison in politically motivated trials for authoring a poem insulting President Lukashenko. On December 9, prison officials prohibited Levonevskiy from sending letters to foreign embassies, claiming prisoners could only write to their own country's embassy. On December 15, prison officials denied Levonevskiy permission to attend his father's funeral, claiming he broke too many prison rules. Levonevskiy remained in prison at year's end.

On August 5, the government amnestied and released researcher Yury Bandazhevsky, imprisoned in 2001 on charges of corruption. Many believed Bandazhevsky was arrested and tried because his research disputed government statements on the effects of Chernobyl radiation on health.

On August 18, a general amnesty reduced the prison sentence of opposition political figure Mikhail Marinich to two and a half years. In December 2004 the court sentenced Marinich to five years in prison for stealing property of an NGO he headed, even though the NGO had not claimed that the property was stolen. Marinich, a former government minister and presidential candidate, was widely regarded as a likely opponent of President Lukashenko in elections scheduled for 2006. During the trial, the prosecutor asked numerous questions about Marinich's political activities that were unrelated to the charges, lending credence to accusations the trial was politically motivated. The court also ordered confiscation of \$90 thousand found on Marinich's person at the time of his arrest, even though the money was unrelated to the charges.

There were several instances of authorities convicting and sentencing prodemocracy activists to short prison terms, then using alleged fights with cellmates as a pretext to prolong imprisonment.

On March 10, a court sentenced Anatoly Shumchenko to 10 days in prison for organizing an unsanctioned protest (see section 2. b.). While in prison, authorities charged him with hooliganism for allegedly fighting with his cellmate. His cellmate reportedly told a journalist that a BKG officer paid him \$93 (200 thousand rubles) to pretend Shumchenko had beaten him. Shumchenko spent 30 days incarcerated before the charge was dropped and he was released.

On August 2, a court sentenced Tadeusz Gavin to 15 days in prison for participating in an unsanctioned protest. In mid-August the court added 15 days to his sentence for allegedly attacking a cellmate. On November 14, the Supreme Court annulled the second sentence for lack of evidence of a crime, after Gavin had served the time.

On August 24, Minsk police arrested two Georgian prodemocracy activists, Georgy Kandelaki and Luka Tsuladze, for alleged problems with their identification. On August 26, two Georgian consuls arrived in Minsk to assist their citizens, but were denied access until August 30. On August 29, a court sentenced Kandelaki and Tsuladze to 15 days in prison for hooliganism after allegedly insulting a cellmate. They were denied access to a lawyer or translator for the trial. The two appealed successfully and were deported on September 2.

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

The law prohibits such actions; however, the government did not respect these prohibitions in practice. In addition the law provides penalties for those who obstruct BKGB officers in the performance of their duties, even though these actions may in principle be illegal. Any effort to prevent BKGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal to allow BKGB audits or to deny or restrict BKGB access to company information systems and databases.

While the law prohibits authorities from intercepting telephone and other communications without a court order, in practice authorities continued to monitor residences, telephones, and computers. The BKGB, the interior ministry, and certain border guard detachments may use wiretaps but must first obtain a prosecutor's permission; the lack of independence of the prosecutor's office rendered the due process protections relating to wiretaps meaningless. The government telecommunications company Beltelecom has a monopoly on Internet service, allowing authorities to monitor practically all e-mail. There were credible reports that the government monitored e-mail sent from Internet cafes and from university networks.

The government owned a majority share in all cellular telephone companies. Ministry of Communications contracts for telephone service prohibited subscribers from using telephone communications for purposes that ran counter to state interests and public order. The ministry has the authority to terminate telephone service to those who breach this provision. There were several instances where prodemocracy activists had their cell phones disconnected as they attempted to spread information about peaceful demonstrations. On October 15, the cellular telephone company Velcom disconnected the mobile telephones of opposition activists spreading information asking citizens to place lit candles in their windows to protest government excesses.

The law requires a warrant for searches; however, the BKGB entered homes, conducted unauthorized searches, and read mail without warrants. In May a new law took effect giving the BKGB authority to enter any building at any time, so long as it applies for a warrant within 24 hours after the entry took place. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups.

Authorities conducted searches of residences for clearly political reasons. For example, on March 24, police raided the office of the *Zhoda* newspaper and confiscated decorations from office walls, including altered photographs of Lukashenko; *Zhoda's* editor Aleksey Karol and deputy editor Aleksandr Sdvizhkov were each fined \$1,200 (2,550,000 rubles) in September for "disseminating false information" through the altered photos. During the night of July 9, armed security forces smashed a window and broke down a door to enter the Minsk home of Vladimir Kishkurna, a local party leader. Claiming they found illegal ammunition, authorities seized a printing press stored at the residence and arrested Kishkurna's son. On September 24, authorities in Vitebsk used the pretext of searching for a bomber to search the homes of five political activists. During the searches, authorities confiscated printed material and flags, and copied computer and cell phone memories. On November 26, police searched the apartment of Mariya Bogdanovich, claiming that neighbors reported she was hiding illegal Vietnamese immigrants. Police seized 1,500 copies of an independent newspaper. Bogdanovich had been fined \$93 (200 thousand rubles) on November 21 for passing out the previous edition of this paper.

Nearly all opposition political figures reported that authorities monitored their activities and conversations. During the trial of Mikhail Marinich, the prosecutor introduced as evidence a number of transcripts of Marinich's phone conversations that had been recorded by the BKGB (see section 1.e.). Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services.

There were numerous reports that the government coerced young people to join the pro-Lukashenko state-funded NGO Belarusian Republican Youth Movement (BRYM). There were credible reports that military conscripts were ordered to join the BRYM, and university students reported that proof of BRYM membership was often needed to register for popular courses or acquire a dormitory room.

There was one report that authorities threatened to punish family members for alleged violations of individuals. In March court officials visited the home of Mikhail Marinich's ex-wife and confiscated \$1,860 (4 million rubles) worth of personal property towards payment of his fine (see section 1.e.). This occurred although the two had divorced two years before his alleged crime, Marinich had no property at his ex-wife's, his fine was only \$3.68 (eight thousand rubles), and the government had already seized \$90 thousand from Marinich. On June 7, a judge ordered a portion of these belongings returned to the family.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government did not respect these rights in practice.

On November 23, President Lukashenko told reporters that his government uses "serious pressure" to control the media and that he is in charge of this process. Individuals could not criticize the government publicly without fear of reprisal, and authorities attempted to impede criticism of the government, for example by videotaping political meetings and checking the identities of meeting participants (see sections 1.d. and 3). The law also limits freedom of expression by prohibiting the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the government or public order. For example, on March 9, police arrested Yevgeny Afnagel after they found a white-red-white nationalist flag on him during a search. On July 4, police detained artist Ales Pushkin for several hours after he attempted to display his portraits of nationalist World War II resistance fighters outside the National Fine Arts Museum. On August 6, authorities in Zelva disrupted a birthday celebration and seized several prohibited nationalist white-red-white flags.

In December parliament passed and the president signed a series of amendments that greatly inhibited the freedoms of speech and assembly. These amendments make it a crime, punishable by up to three years in prison, to give "false" information about the political, economic, social, military, or international situation of the country to a foreigner; to provide information on government agencies or the rights of citizens; to participate in the activities of unregistered NGOs; to participate in public demonstrations; to train people to demonstrate publicly; to finance public demonstrations; or to solicit foreign countries or international organizations to "act to the detriment" of the country.

The government took steps to restrict independent media. A March report by the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media found the situation had deteriorated, with fewer independent media outlets and greater use by the government of administrative pressures to limit free expression.

The highest circulation newspapers and other print media were state-owned and printed only materials supportive of the government. There were independent small-circulation newspapers, including two dailies, and magazines, many of which engaged in criticism of the government. Local authorities frequently warned independent editors to avoid certain stories or criticism of the government. Authorities also warned businesses not to advertise in newspapers that violated this guidance. In January the information department of the Grodno regional government sent a letter to all state-run enterprises in the region warning them not to advertise in independent newspapers.

During the year the government closed five independent newspapers. Many other independent papers received warnings from the Ministry of Justice. For example, on July 4, Minsk mayor Mikhail Pavlov cancelled the registration of independent newspaper *Den*, claiming it had not printed an edition in six months; the cancellation followed the May 26 seizure by police of 1,990 copies of *Den*, printed in Russia, on the pretext they listed an incorrect address for the newspaper. On August 24, Minsk judge Tamara Benchuk annulled the registration of Press-Service, which printed the independent newspaper *Kuryer iz Borisova* with a weekly distribution of 17 thousand, because of missing clauses in its charter.

In mid-November, authorities informed independent newspaper *Gazeta dlia Vas*, in Ivatsevichi, that it would be evicted from its office of three years to make room for harvest festival planning. On December 9, authorities informed the Pinsk-based independent newspaper, *Myastsovy Chas*, that its contract would be broken and the paper evicted from its office. No reason was given for the eviction. Earlier in the year authorities had also evicted the independent newspaper *Vitebskiy Kurier*.

In May authorities in Ivatsevichi prohibited public kiosks from selling independent newspapers. State-owned stores across the country also stopped selling independent newspapers. While independent newspapers could still be purchased from independent sellers, their circulation was seriously restricted by these measures.

In early April the ideology department of Borisov City ordered enterprises and state organizations not to subscribe to the independent newspapers *Kurier iz Borisova* and *Borisovskie Novosti*.

The Ministry of Information, tax inspectors, and other government bodies subjected independent media to numerous inspections. In January authorities refused to register offices of local independent newspapers *Volny Gorod* and *Mestnaya Gazeta*.

The arbitrary use of presidential power, often exercised through presidential decrees, created additional obstacles to an independent press. In July and August, President Lukashenko signed decrees restricting foreign and domestic sources from giving money to organizations for broadly defined political activities, including the distribution of information. These edicts followed a 2003 presidential decree which was used to crackdown on independent media outlets and NGOs. The Belarusian Association of Journalists announced September 16 that the number of independent newspapers had been severely reduced

over the previous five years and that no new independent newspapers had appeared in that time.

Among broadcast media, only the state-run radio and the state-run television networks ONT and Belarusian Television broadcast nationwide. The government continued to make use of its near monopoly on television broadcasting to spread the official version of events and to minimize the presentation of opposing points of view. The state-owned broadcast media continued to marginalize the political opposition by depicting it negatively or ignoring it altogether. Local independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most were under government pressure to forego reporting on national-level issues or subject to censorship. Russian channels NTV and RTR were generally available, although in many parts of the country only through pay cable services. However, their news programs were at times blocked from broadcast, or temporarily replaced with Belarusian programming. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country.

During the year the government took actions that systematically reduced public access to foreign broadcast media. In January the state-owned television station LAD stopped rebroadcasting EuroNews. In June the Ministry of Information prohibited the broadcast of Ukrainian channel Inter-Plus and other Ukrainian television channels in the country. In October the Grodno cable company Garant stopped broadcasting the First Polish Television Channel, reportedly on order of the Ministry of Information.

On November 25, the Mir broadcasting company blocked journalists from transmitting abroad their coverage of a strike in Minsk (see section 6.b.). A Mir spokesman claimed the transmitting equipment was down for scheduled maintenance at the time of the strike. Police prevented many reporters from approaching the peaceful strike.

The government harassed and arrested journalists during the year. Several foreign journalists, particularly Poles, were prevented from entering the country or arrested after their arrival. Twelve journalists, including four from Poland, were detained for several hours on July 27 as they attempted to report on the Union of Belarusian Poles NGO. On August 6, authorities deported Polish journalist Adam Tuchlinski and prohibited him from returning for five years. On August 10, customs officers confiscated all videotapes, containing interviews with party and NGO leaders, from Polish reporter Mikolaj Wawrzenuik.

On August 26, police in Schuchin detained journalists Andrzej Poczobut and Ivan Roman for 24 hours for allegedly swearing outside a police station. The same day police also temporarily detained journalist Stanislav Poczobut. The three were trying to cover a Union of Belarusian Poles congress (see section 2.b.). On August 29, police again detained Andrzej Poczobut, this time for three days.

On March 20, Grodno police detained three Polish journalists, Adam Tuchlinski, Michael Kacewicz, and Martyn Smialowski. The three were accredited to observe parliamentary by-elections. Police held them for three hours and erased their video footage of voting.

On October 18, freelance independent journalist Vasily Grodnikov was found dead from a blow to the head by a blunt object inside his locked apartment. His brother, who found the body, reported signs of a struggle. On November 28, police announced there was no sign of a crime and closed the case. The prosecutor general's office reopened the case the next day but, on December 15, announced there was no crime, that Grodnikov died as a result of "his careless actions."

During the year police made no progress in investigating the October 2004 killing of Veronika Cherkasova, a journalist for the independent *Solidarnost* newspaper. While the official investigation centered on domestic violence, some members of the independent media viewed her death as related to her work, which included critical articles on the BKGB. On December 27, investigators closed the case citing their inability to identify the perpetrator.

The government censored the media. Authorities imposed huge fines on journalists and editors for criticism of the president or his supporters, and many publications subsequently engaged in self-censorship. Authorities fined, warned, or jailed members of the media, members of the opposition, civil society, and religious groups who publicly criticized the government. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office by a media outlet may ask the prosecutor to sue both the journalist who reported and the media outlet that printed the criticism.

The law specifies that the government may close down a publication after two warnings of violations of various restrictive laws, and authorities continued to frequently use such warnings to pressure independent newspapers. Regulatory provisions also grant authorities power to arbitrarily prohibit or censor critical reporting. For example, the state committee on the press has authority to suspend the publication of periodicals or newspapers for three months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs. On April 13, the

Ministry of Justice warned *Narodnaya Volya* for an article it wrote on the unregistered NGO Defenders of the Fatherland.

The government tightly controlled the content of television broadcasts. There were credible reports during the year that the BKGB censored national television news broadcasts.

The government used libel laws to suppress criticism of political leaders. The law provides for punishment of public insults or libel against the president by up to four years' imprisonment, two years' *khimya*, or a large fine. Authorities continued to use such laws, which also penalize insults to other government officials, to stifle press freedom and to imprison political opponents (see section 1.e). The laws penalizing slander of officials effectively constituted a prohibition on press criticism of the government.

In January the private *Pressbol* sports newspaper was ordered to pay a \$14 thousand (30 million ruble) fine and its editor, Vladimir Berezhkov, a \$4,600 (10 million rubles) fine for an October 2004 article claiming that Andrey Imanali, deputy head of the Belarusian Gymnastics Federation, was involved in organized crime. In July Imanali was charged with abduction in Russia and accused of long association with organized crime; this charge did not mitigate *Pressbol's* fines.

On May 23, Minsk authorities reopened a slander case against human rights activist Harry Pogonyailo. In November 2004 Pogonyailo gave an interview to Swedish journalists discussing the disappearance of Belarusian opposition figures. The interview never aired, as customs officials confiscated the tape. Authorities dropped the slander case on November 16.

On June 14, Minsk judge Lyubov Valevich ordered independent newspaper *Narodnaya Volya* to pay \$46 thousand (100 million rubles) to Sergey Gaidukevich, leader of a progovernment party, for claiming he was involved in violating the Iraqi Oil-for-Food Program, even though a number of reputable international sources documented Gaidukevich's involvement.

On September 30, judge Basko, in Minsk's October Region court, fined the independent newspaper *Belorusskaya Delovaya Gazeta* \$23 thousand (50 million rubles) and one of its journalists \$2,300 (5 million rubles) for allegedly libeling a former police officer in a 2003 article.

The government took numerous other actions during the year to limit the independent press, including limiting access to newsprint and printing presses, restricting the import of media-related materials, and temporarily suspending independent and opposition periodicals.

In November and December, authorities removed 17 independent newspapers from the state subscription list, making it impossible to subscribe to these newspapers. The state postal system, Belpochta, and the state kiosk network, Belsoyuzpechat, refused to distribute most of these newspapers. On December 22, the regional state kiosk system Vitebskoblsoyuzpechat stopped distributing independent *Vitebskiy Kurier*.

Several independent newspapers, including *Belorusskaya Delovaya Gazeta*, *Den*, and *Solidarnost* printed their materials in Russia because domestic printing presses (mostly state-owned) refused to print them. State printing houses refused to print four independent newspapers, including one of the country's two independent daily newspapers, *Narodnaya Volya*. On November 17, *Narodnaya Volya* sued the Krasnaya Zvezda printing house for breach of contract and won, but Krasnaya Zvezda did not resume printing, as it planned to appeal.

The government successfully discouraged companies that owned printing presses from printing the legally authorized leaflets of opposition candidates and parties by threatening them. During the autumn State Control Committee inspectors conducted detailed audits of many printing houses to see if they had printed material for the opposition. Although there are no laws against owning printing presses, authorities seized at least one opposition press (see section 1.f.).

The government restricted cultural events. During the year the government continued to prohibit six popular musical groups that had performed at a July 2004 opposition concert from appearing in concert or their music from being played on radio or distributed on compact disk or tape.

The government restricted the Internet. On August 16, the BKGB raided two apartments in Minsk and one in Grodno looking for the author of satirical cartoons lampooning the government, which were posted on the Internet. The BKGB seized a number of computers and detained three members of the NGO Trety Put for several hours of questioning. The three were told that they may be charged for slander, although no charges had been brought by year's end. On March 12, Grodno authorities closed the Internet chatroom *forum.Grodno.by* after declaring it "subversive." Beltelecom subsequently fired the chatroom's administrator, Aleksey Rads. On January 4, deputy education minister Tatiana Kovaleva complained that the Internet hindered educational and

ideological processes and suggested that the government limit students' access to the Internet and impose education ministry control over Internet service providers and Internet cafes. Some students claimed state university officials monitored Internet usage on university networks. In early January the government blocked access to several Russian web sites for their alleged homosexual content.

On November 15, Minister of Education Aleksandr Radkov announced that all schools, including private institutions, are political bodies, must follow state orders, and cannot be headed by opposition members. Radkov also asserted his right as minister to appoint and dismiss the heads of private educational institutions.

The government restricted academic freedom, in part by requiring all educational institutions to teach and all students to study an official state ideology that combined reverence for the achievements of the Soviet Union and Belarus under Lukashenko with advocacy of an authoritarian, Soviet-style political and social structure. During the year the National Academy of Sciences fired three historians whose research was considered "anti-Soviet" or "anti-Russian." Authorities increasingly enforced a February 2004 presidential decree that requires every school to have an ideological officer on its staff. On January 21, the vice rector and administrator for ideology at Baranovichi State University were fired for failing to prevent students from performing a skit mocking President Lukashenko.

The government tasked the state youth organization BRYM with ensuring ideological purity among youth. Students reportedly were pressured to join the BRYM in order to receive benefits and rooms in dormitories and local authorities pressured BRYM members to campaign on behalf of government candidates.

Government-mandated textbooks showed a heavily propagandized version of historical events as well as other subjects.

On May 23, the Ministry of Education circulated a directive to all educational institutions calling for the expulsion of any student who engaged in antigovernment or unsanctioned political activity, and for the proper ideological education of all students. Student organizations credibly claimed that authorities expelled dozens of students for their political activities during the year. On August 27, Minsk Mayor Mikhail Pavlov publicly ordered school administrators to keep their students from becoming politically active.

In May, Belarusian State University expelled journalism student Olga Klaskovskaya. Klaskovskaya worked for the independent newspaper *Nardonaya Volya* and had recently filed a complaint to the prosecutor general stating police had mistreated her as she covered a demonstration. The university claimed it expelled her for missing exams when she was caring for her sick child.

On November 24, the Belarusian State Economic University (BSEU) expelled fourth year student Tatiana Khoma for "violating the internal order of the university" and immediately evicted her from her dormitory room. Khoma had recently traveled to France, where she was elected to the executive committee of the National Unions of Students in Europe. In defending the expulsion, BSEU rector Vladimir Shimov said Khoma had traveled to France without the permission of the university; Shimov added that she was the 51st BSEU student expelled since September for traveling without permission.

Several members of opposition-oriented youth groups were expelled from institutions of higher education for their political activities. In May the Zhodino Polytechnic School expelled a 16-year-old for participating in a Chernobyl commemoration event. On September 19, the Zhodino city court dismissed the student's appeal to be readmitted. Another student, from Pleshchenitsy, claimed he was expelled for participating in the same event. On November 27, schools in Svetlogorsk threatened to expel students who participated in the Days of Solidarity on the 16th of each month. There were several unconfirmed reports that the government expelled politically active youth and assigned them to work in Chernobyl-affected regions.

On September 23, President Lukashenko justified the July 2004 government closure of the European Humanities University, the country's premier independent university, and the 2003 closure of the Belarusian National Humanities Lyceum on the grounds that the schools had sought to educate a new national elite that would turn the country to the West.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Police and other security officials beat and detained demonstrators following several unsanctioned but otherwise peaceful demonstrations.

By law, organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision no later than 5 days prior to the scheduled event. However, authorities either did not grant permits to opposition groups or granted them only for demonstrations in out-of-the-way locations. A single infraction of these regulations entitles the government to shut down the organization concerned.

Demonstrators are required by law to pay for damages from demonstrations and for the presence of police and medical personnel, although this requirement was generally not enforced in practice. Only political parties, trade unions, or registered organizations may request permission for a demonstration of more than one thousand individuals. The law also prohibits the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order (see section 2.a.).

There were demonstrations in Minsk, varying in size from a few participants to approximately 2,500 persons. However, the government always kept such demonstrations under strict surveillance, and police and plainclothes security officers openly videotaped participants.

There were several reports that police beat demonstrators during protests. There were also reports that police violently pulled demonstrators into police vans. On April 26, interior ministry riot police broke the wrist of a 14-year-old at a Chernobyl protest in Minsk. On May 24, riot police detained eight minors protesting the renaming of Minsk streets. The riot police threw the eight into a bus, where they were beaten. Police punched one girl in the face, causing her to bleed. On July 7, an interior ministry police officer punched Svetlana Zavadskaya, widow of one of the "disappeared," in the face during a peaceful protest in Minsk. Authorities declined to investigate the attack, which was videotaped by journalists, claiming the police officer acted in self-defense. On September 16, interior ministry riot police beat Nikita Sasim at a protest in Minsk. Sasim spent six days in the hospital with a concussion. Police beat at least five other youth activists at the same event, causing bruises and ripping their clothes. On November 22, police sergeant Ivan Dulub reportedly dislocated Ales Kalita's arm after Kalita was arrested for distributing independent newspapers.

Authorities routinely broke up peaceful demonstrations and arrested participants.

For example, on March 1, two thousand market vendors in Minsk protested an increase in the value-added tax. Police allowed the demonstration but that evening arrested Anatoly Shumchenko, a leader in the Perspektiva NGO, and Marina Bogdanovich. A court sentenced Shumchenko to 10 days in prison and fined Bogdanovich \$2,180 (4.7 million rubles); authorities extended Shumchenko's sentence to 30 days for allegedly fighting a cellmate (see section 1.d.).

On April 26, police arrested 33 people for participating in an unauthorized rally marking the 19th anniversary of the Chernobyl disaster, including 14 Russian and 5 Ukrainian citizens. Two of the Russians were journalists. A Minsk court sentenced those arrested to prison terms of 8 to 15 days. Authorities released the Russians after their embassy stated it did not approve of their citizens' actions but required the Ukrainian and domestic arrestees to serve their full sentences. In addition, the court fined Marina Bogdanovich, one of the domestic arrestees, \$1,700 (3.6 million rubles) for her participation.

On August 5, police arrested five members of the Malady Front youth group as they demonstrated in support of Polish policy in front of the Polish Embassy; a court sentenced two of them to 10 days in prison.

On August 27, police arrested three members of the Zubr youth group for holding an unauthorized protest, and a court sentenced them to 10 days in prison. During the year members of the Zubr youth group were arrested more than 400 times. Many were released without charge, but many others received fines or served up to 15 days in jail.

Authorities also made preemptive arrests of prodemocracy activists in advance of demonstrations. For example, police arrested Perspektiva leader Anatoly Shumchenko the day before a February 10 demonstration on suspicion of hitting a pedestrian with his car, and a court sentenced him to 10 days in prison for organizing an unauthorized protest. Police also detained Perspektiva members from Rechitsa and Borisov in advance of the March 1 protests.

The government took other measures to restrict the ability of prodemocracy and civil society groups to meet. During the year authorities continued to deny such groups access to the IBB conference center, a joint venture between German NGOs and the Minsk city government that was established with the goal of giving independent groups a place to meet. Minsk City authorities reportedly threatened to close the center if civil society groups were allowed access. On May 16, the Minsk Hotel informed a Swedish civil society NGO that it could not use its facilities for an NGO conference because the Minsk city ideological committee had informed the hotel that any payments received for this conference would be illegal. In addition the government refused visas to 13 of the 17 Swedish NGO participants. At times authorities disrupted meetings under the pretext of checking documents. On

August 23, police in Gomel broke up a meeting of civil society NGO members, claiming they needed to confirm their identities. Local authorities prevented opposition parties from holding local conventions in a number of sites across the country (see section 3).

On October 29, police raided a meeting of the NGO Partnership and detained 60 people. Three of the NGO's leaders were sentenced to 15 days in prison, and one was fined \$270 (580 thousand rubles), for organizing an illegal gathering. Partnership claimed it was meeting to satisfy a Ministry of Justice requirement as a prelude to receiving legal registration.

### Freedom of Association

The law provides for freedom of association; however, the authorities severely restricted it in practice.

The government employed an elaborate system of laws and regulations for the registration of organizations in order to restrict the ability of individuals to form associations that might be critical of the government or immune to official manipulation. All NGOs, political parties, and trade unions are required to register with authorities, and it is illegal to act on behalf of an unregistered organization. The law governing registration of public associations is extremely strict; registration procedures are costly and onerous, requiring the number and names of founders to be specified along with a legal address for the organization in a nonresidential building. Individuals listing themselves as members are vulnerable to retribution. More important, the government's refusal to rent office space to organizations of which it disapproved and the expense of renting private space forced most organizations to violate the nonresidential address requirement, leading to deregistration of existing organizations and denial of registration for new ones.

Authorities greatly accelerated the closure of local political party offices throughout the year. On September 14, Nikolay Zelenko, head of Minsk city's justice department, announced that 292 local party chapters had been closed in Minsk since the beginning of the year. Party sources reported that authorities had closed approximately 80 percent of their local chapters during the year, mostly for lack of a legal address. The Ministry of Justice reported it issued approximately 400 written warnings to NGOs, political parties, and trade unions during the year, and that courts deregistered 68 NGOs for "systematic or severe violations of the law." Most active civil society groups had already lost their registration. On December 28, Supreme Court judge Galina Zhukovskaya upheld the decision to close the educational NGO *Belaruskaya Perspektiva* for being registered in a residential building and for containing the word *Belaruskaya* (only official NGOs can be called "Belarusian"). An NGO spokesperson said that the NGO had not needed an office because of its small size and reliance on volunteers. The NGO attempted to find office space to comply with ministry warnings but could not find anyone who would rent them space. On December 29, authorities in Zhodino closed a branch of the Belarusian Language Society, also for lack of a proper legal address.

Harassment in the form of inspections by security officials and confiscation of political literature, usually without warrants, was widespread. On September 16, the customs service stopped activists from the Partnership NGO at Minsk's airport as they attempted to fly to Warsaw for a conference. The activists were detained two hours, and all their material was seized, but they were allowed to travel. Many other prodemocracy activists also reported being harassed and subjected to extra searches when crossing the country's borders. On July 1, police stopped four cars driven by local leaders of the Partnership NGO and confiscated 170 thousand copies of the group's bulletin.

A commission of government officials must review and approve all registration applications. The commission continued to base many of its decisions largely on the political and ideological compatibility of the applicant with the government. Credible reports indicated that most NGOs registered during the year dealt with sports and entrepreneurial interests and none promoted civil society. All but two national-level human rights NGOs have been deregistered or denied reregistration. On April 15, the Supreme Court liquidated the Independent Institute of Socio-Economic and Political Studies, one of two organizations in the country that conducted independent opinion polling, for lack of a legal address and other dubious pretexts.

The government also interfered in the internal affairs of NGOs. The Union of Belarusian Poles held a congress March 12-13 to elect new leaders. Credible sources stated the BKGB and police stopped Union of Belarusian Poles members' cars to prevent them from attending the congress, warned other members to stay away, and pressured others to change their vote in an unsuccessful attempt to secure the re-election of progovernment leaders. On May 12, the Ministry of Justice declared the congress to have been undemocratic and invalid. In late May the government-run Grodno regional printing plant refused to print the Union of Belarusian Poles' newspaper, *Glos znad Niemna*, and began printing progovernment versions of the paper without the knowledge of the group's leadership. On July 6, police arrested five *Glos znad Niemna* journalists protesting the government takeover of their newspaper. The five were fined between \$230 (510 thousand rubles) and \$2,400 (5,125,000 rubles) for the protest. Police evicted the union's leaders from their headquarters on July 27 and gave the building to regime supporters. The Ministry of Justice forced a new congress on August 27, and authorities again intervened to prevent the attendance of many

Union of Belarusian Poles members. Throughout this process authorities arrested, jailed, or fined numerous group members and Polish journalists (see section 2.a.) and attacked the organization in the government media. Police brought some leaders in for questioning more than 40 times.

### c. Freedom of Religion

The law provides for freedom of religion; however, the government restricted this right in practice. While the constitution affirms the equality of religions and denominations before the law, it also contains restrictive language that stipulates that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

The law concerning religion contains a number of restrictive elements that the government used to hinder or prevent activities of religious groups other than the Belarusian Orthodox Church. In particular, the law restricts the ability of religious organizations to provide religious education, requires all religious groups to receive governmental approval in order to distribute literature, and prohibits foreigners from leading religious organizations. A concordat and other arrangements with the government provide the Belarusian Orthodox Church, an exarchate of the Russian Orthodox Church, privileges not enjoyed by other religious groups. In March Vladimir Makarov, chief of the defense ministry's information directorate, called on Belarusian Orthodox clergy to fight the spread of "destructive sects" and to spread Orthodoxy. On May 20, a BKGB spokesman asserted that the country's citizens were less interested in unconventional religions after the government took unspecified "action" to prevent the spread of "destructive cults." He specifically warned against the "Moon Church" and the Church of Scientology, which, he said, were spreading "propaganda" in the country.

In early December, police in Vitebsk raided the homes of local Muslims on the pretext of looking for suspects connected to two September bombings, even though authorities had previously arrested two brothers, who had no known connection to Islam, for the bombings. Police detained several of the Muslims for questioning and seized religious literature.

The law requires that religious organizations be registered by the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA) or by local and regional governments. During the year the CRNA continued to refuse to register some religious groups considered to be nontraditional. Religious groups that could not register frequently were forced to meet illegally or in the homes of individual members. According to the CRNA, 26 religious denominations were officially registered as of September.

Under a 2002 law, all religious organizations were required to reregister with the CRNA by November 2004. The law establishes specific requirements for membership size and years of activity for religious groups. According to the CRNA, 2,676 of the 2,780 religious communities previously registered did so by the deadline. Of the remaining 104 communities, many had dissolved due to lack of membership. However, the CRNA denied reregistration to several mainly Protestant groups, such as the Light of the World, the New Life Church, and the Belarusian Evangelical Church.

The CRNA refused to register the Belarusian Autocephalous Orthodox Church (BAOC) without the approval of local Belarusian Orthodox Church bishops, which was not forthcoming. Because the BAOB was not registered, authorities confiscated a building they renovated in Semkov Gorodok.

The Hare Krishnas were denied registration in 2004. They appealed to the Supreme Court, but have not received an answer, as well as to the UN Human Rights Committee. After the Krishnas were not registered, a number of their lease agreements were terminated by landlords. The Minsk community has been unable to find a new legal address.

The CRNA also denied reregistration to the Protestant group Light of the World in 2004. The lease on group's church was terminated on October 31, and authorities prevented them from leasing new premises.

The law allows persons to gather to pray in private homes; however, it requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. Police interfered with religious meetings in residences several times during the year, sometimes resulting in fines for participants.

The government will only register Orthodox communities not based in Moscow with the approval of the local Moscow Patriarchate bishop. In June authorities warned the priest of the unregistered Russian Orthodox Church Abroad (ROCA), Father Leonid Plyats, that he would receive jail time or a massive fine if he conducted "illegal religious activities," including holding small gatherings of worship on private homes. On November 9, authorities denied registration to a different ROCA parish in Ruzhany. In this case, the bishop told ROCA members to worship at the Moscow Patriarchate Church instead. The ROCA parish refused,

and its members have received four fines, totaling over two thousand dollars (four million rubles) for worshipping in private homes. ROCA has four parishes in the country, none of which were registered.

The law does not provide for the return of property seized during the Soviet period or the Nazi occupation and restricts the return of property that is being used for cultural or educational purposes. There were no reports that the government returned property to religious groups during the year. A Catholic parish asked the government to return a Roman Catholic church, which the government was using to house state scientific archives. On October 4, the Council of Ministers replied the government would not return the building to the church until it was provided with a similar size building for the archives.

The government continued to limit the ability of a number of groups to own or use property for religious purposes. As of October the CRNA refused to reregister the New Life Church because it tried to use a barn that it purchased three years previously as its legal residence. Authorities refused to allow the church to renovate the building, change the registration status of the cow barn, or permit church members to meet in the building as-is. Authorities fined the leaders of the church more than \$5,500 (12.5 million rubles) during the year for conducting services in the barn. On November 17, authorities issued a registration document reclassifying the barn as a religious building. However, on November 30, authorities claimed this registration was issued illegally, annulled the registration, and fired the two officials who issued it.

The government interprets the law as permitting residential property to be used for religious services only after it has been converted from residential use. This interpretation effectively requires all religious organizations to reregister their properties as religious properties. However, authorities continued to reject requests for property registration from many Protestant churches, as well as from other nontraditional faiths. On August 22 and September 21, the government closed the Belarusian Evangelical Reformed Church and the Belarusian Evangelist Church, respectively, for failure to secure nonresidential legal addresses for worship.

According to the Full Gospel Evangelical Christian Church, authorities continued to deny it permission to construct a building for religious purposes in Minsk.

Meeting hall officials cancelled or refused to extend agreements with religious groups to use their facilities, citing a government decree specifying measures to ensure public order and safety during public gatherings. Over the summer the Church of Jesus Christ Word of Faith was denied permission to rent a hall in Minsk for a large meeting.

On November 9, CRNA chairman Stanislav Buko announced that authorities would not register "destructive sects." He claimed no such sects were operating in Belarus but noted authorities closely monitor the activities of people bearing the characteristics of such sects. University textbooks reportedly classified Baptists and Adventists as members of sects.

The law provides that citizens may speak freely about their religious beliefs; however, authorities continued their efforts to prevent, interfere with, or punish persons who proselytized for any religious group other than the Belarusian Orthodox Church. The government also fined and detained members of unregistered religious groups that engaged in illegal religious activity. Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission. On November 25, a court issued a warning to the pastor of the Reformed Baptist Church Christ's Covenant for illegally conducting services in a private home. The church received three warnings for lack of a legal address.

The government did not permit foreign missionaries to engage in religious activities outside of the institutions that invited them. The law requires one year, multiple entry "spiritual activities" visas for foreign missionaries. Even religious groups with a long history in the country, particularly Protestants, continued to have difficulties obtaining visas. In mid-December authorities did not renew visas for two Catholic priests from Poland, who had worked in the country for more than 10 years, and ordered them to leave by the end of the year.

### Societal Abuses and Discrimination

Between 50 thousand and 70 thousand persons identified themselves as Jewish. However, the overwhelming majority of the Jewish population, 98 percent, was not actively religious. Of those who were, most were believed to be adherents of either Reform or Conservative Judaism.

There were isolated instances of anti-Semitic vandalism during the year. In a three-week period in April, vandals desecrated 20 tombstones at a Jewish cemetery in Brest. On August 16, vandals reportedly defaced a Holocaust memorial in Minsk for the third

time, although authorities denied that the incident occurred. While the government investigated such incidents and often assisted in restoring memorials, police made no arrests in connection with the vandalism of these sites. On December 4, vandals painted swastikas and other Nazi symbols on memorials at the Kurapaty site, including on markers commemorating Jewish and Tartar victims. Police made no arrests but subsequently provided a full-time police presence at the site.

The state distribution agency Belsoyuzpechat continued to distribute the anti-Semitic and xenophobic newspaper *Russki Vestnik*, despite a 2003 order by the prosecutor general and the information ministry that distribution of the newspaper should be terminated. Sales of such literature continued throughout the year in stores, government-owned buildings, and at events affiliated with the BOC. Anti-Semitic and Russian ultranationalist literature continued to be sold and given away at Pravoslavnaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative that sells Orthodox literature and religious paraphernalia. The CRNA claimed it was difficult to prevent the distribution of Russian-produced anti-Semitic literature.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for freedom of movement; however, the government at times restricted its citizens' right to choose their place of residence and their foreign travel. Internal passports served as primary identity documents and were required for permanent housing, receiving work, and hotel registration.

Credible reports indicated that police continued to harass individuals because they lived at a location other than the legal place of residence indicated in their internal passport.

The law provides for freedom of movement in and out of the country; however, the government at times restricted this right. Government regulations specify that citizens who wish to travel abroad must obtain an exit stamp valid for one to five years. The government could invalidate stamps that had been issued. Authorities prohibited certain opposition activists who had not paid fines for participating in unlawful public demonstrations or who were not on the side supported by the government in the Union of Belarusian Poles (UBP) dispute (see section 2.b.) from travelling abroad. At times the government harassed civil society members who had travelled abroad.

In November authorities prohibited UBP members Andrzej Piscalnik, Jozef Porzecki, Wieslaw Kiewlak, and Andrzej Poczobut from travelling abroad. Despite this prohibition, Poczobut travelled to Poland in November. On his return border guards seized his passport; it was returned to him December 12 with a notation saying he was prohibited from international travel.

On November 23, border guards told UBP activists Inessa Todryk, Anzelika Arechwa, and Andrzej Lisowski they could not leave the country. On November 3 and 4, border guards prevented UBP activist Anzhelika Orekhova from leaving the country. Other UBP activists were detained for hours at the border, but eventually allowed to leave.

On October 28, the Minsk City council of lawyers denied human rights lawyer Vera Stremkovskaya permission to travel to an OSCE conference in Tbilisi, threatening revocation of her license. The same day the council passed a resolution barring all lawyers from foreign travel for one month.

In several cases opposition activists wishing to travel abroad were detained at the border for lengthy searches while leaving or returning to the country. On October 27, customs officials held opposition party leader Aleksandr Kozulin at the airport for several hours as they confiscated material from him, causing him to miss his flight. The same day customs officials seized written material from opposition party leader Anatoly Lebedko as he returned to Minsk from a meeting with members of the European Parliament.

On August 17, the BKGB questioned independent journalist Aleksandr Rautenko about the purpose of his travel after he returned from Prague.

During the year the government imposed new restrictions on travel abroad. A March 9 presidential decree, ostensibly intended to counter trafficking in persons, requires any student who wishes to study abroad to obtain permission from the minister of education. When signing the decree, Lukashenko publicly stated his opposition to citizens' studying abroad. The government used this requirement to block the participation of 59 high school students in one educational exchange program abroad. The decree also requires the interior ministry to track all citizens working abroad and travel agencies to report citizens who did not return from abroad at their scheduled time to the interior ministry. The government denied reregistration to most travel agencies

that arranged work abroad. A June 13 presidential decree placed new controls on the foreign travel of government officials. Various presidential statements during the year and a presidential decree issued on October 4 served to reduce the number of children from Chernobyl-contaminated areas who were able to travel abroad for treatment, particularly those who wanted to travel during the school year. For example, several hundred children were denied permission to go to Germany and Italy in February. The decree also requires that students or their chaperones who did not return to the country on time be reported to the presidential administration.

The law requires travelers to areas within 15 miles (25 kilometers) of the border to obtain an entrance pass. Police arrested several prodemocracy activists for violating this law after holding meetings in towns near the border (see section 3).

The law does not provide for exile abroad, and there were no reports that the government used it in practice.

The law provides for internal exile, and the government used it. Detention in internal exile is one possible penalty for defaming the president. During the year the courts sentenced 3 opposition leaders to 18 to 24 months of internal exile (see section 1.e.).

The law provides for the right to emigrate, and the authorities generally respected this right; however, there were restrictions for individuals with access to sensitive government information or citizens involved in criminal investigations. Persons who have been refused permission to emigrate may appeal to the courts.

### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Under the law, all persons who applied for or received asylum are protected against *refoulement*, the return of persons to a country where they feared persecution. In contrast with the previous year, there were no reports that the government detained individuals transiting the country from Russia and deported them back to Russia. As of the end of October, the government had granted refugee status to 548 Afghans and 123 Georgians.

The law does not allow for temporary protection of persons who may not qualify as refugees; however, the government granted humanitarian protection to approximately 40 persons who may not have qualified for refugee status but who had humanitarian grounds for remaining in the country.

The authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

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

The law provides the right for citizens to change their government peacefully; however, the government effectively denied citizens this right. President Lukashenko dominated all branches of government. Since his election in 1994 to a five year term as the country's first president, Lukashenko has consolidated power steadily in the executive branch, using referenda in 1996 and 2004 to amend the constitution to broaden his powers and extend his term in office.

The constitution provides for parliament to meet twice a year for a total of no more than 170 days. Presidential decrees issued when parliament is out of session have the force of law, except in a few cases specified in the constitution. In practice the president also issued decrees when parliament was in session. The constitution allows the president to issue decrees with the force of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly.

### Elections and Political Participation

In October 2004 the country held seriously flawed parliamentary elections and a referendum to change the constitution and eliminate term limits for the president, thereby allowing Lukashenko to run for a third term in 2006. The government used administrative resources to support the referendum and government backed candidates, who won in every district. An OSCE observation mission reported that the election fell significantly short of international standards for democratic elections, citing the active exclusion of opposition candidates, detention of opposition campaign workers and domestic observers, restrictive campaigning rules, unbalanced media coverage, flawed vote counting, and a lack of transparency in vote tallying. Other electoral irregularities included the firing and non extension of employment contracts of opposition candidates and individuals who worked on their campaigns, and widespread, credible reports of coercion of individuals to vote early, when oversight was more lax.

On March 20, a by-election was held in Grodno to fill the last vacant seat in parliament. The government's arbitrary expulsion of opposition candidates, seizure of opposition campaign materials, and use of state resources to support the government-backed candidate marred this vote. An estimated 25 percent of voters voted up to 5 days early. Some of these, mostly state employees, reported they were ordered to do so by their employers. No independent observer was allowed to watch the vote count, and police escorted three observers out of polling stations.

During the year the government made it more difficult for political parties to operate. In June parliament passed a restrictive law governing political parties that made it much easier for the government to suspend or close parties. A party could be suspended for six months for any legal violation. The government could also close any political party after it receives two warnings for any violations; under the old law the warnings had to be for the same violation. Political parties frequently received warnings for petty offenses. In January the Ministry of Justice formally warned the Belarusian Popular Front because its official stamp read, "Republic of Belarus, Minsk." Even though the Ministry of Justice had approved this stamp, it issued the warning, maintaining the stamp should only read, "Minsk." The law also requires that each party have registered branches in four of the country's seven regions.

At the time the law passed, the Ministry of Justice was in the process of closing an estimated 80 percent of the local party offices in the country on a variety of pretexts, rendering the parties inactive in a majority of regions (see section 2.b.). In December, after deregistering these local offices, the Ministry of Justice warned a number of parties for not having registered branches in enough regions. Additionally, the law prohibits parties from receiving support from abroad. On September 19, the Minister of Justice ruled that any political bloc or coalition must register with the government; the ruling was most likely aimed at the most organized opposition grouping in the country, the 10 Plus coalition.

During the summer authorities disrupted a number of the 121 local political conventions organized by the 10+ opposition coalition. Police were present at almost every meeting, in many cases videotaping participants or demanding to see their identification. In Pinsk, Elsk, and Sianno police arrested the conventions' organizers before the events could begin. Police raided the meeting in Kalinkovichy on the pretext there was a drug lab in the building, while Svetlogorsk police detained organizers for several hours to check their documents. In three cases local fire departments ordered the evacuation of meeting halls, and in one case a hazardous materials team ended the convention, claiming there was a mercury spill. On July 9, opposition parties planned to hold a meeting at the House of Culture in Domachevo, but the site was locked when they arrived. Such events happened in a number of towns. In addition, 11 opposition members were arrested and charged with "violating passport rules in a border zone" for traveling to Domachevo. Others were arrested for the same offense in Ashmany. The government considers all territory within 15 miles (25 kilometers) of the border to be a restricted zone.

The government began issuing fines against the political opposition that were generally much higher than in previous years, often exceeding the average annual salary of \$2,450 (5.2 million rubles). The government also began confiscating the private property of opposition activists who could not pay these fines. UCP deputy Marina Bogdanovich was fined \$2,200 (4.7 million rubles) for participation in a March 1 strike. On May 27, court officials entered her home and confiscated property, including books, an iron, a cell phone, and her daughter's stereo and computer, as payment towards the fine. On March 11, court officials seized property, including an electric tea kettle, a washing machine, a lamp, a vacuum cleaner, and a painting from the editor of *Pressbol* newspaper towards payment of a fine for libel (see section 2). On February 14, a Grodno judge fined former opposition member of parliament Valery Frolov \$3,300 (7 million rubles) for participating in an unsanctioned protest.

Numerous and credible reports indicated many people were fired from their jobs because of their political activities or party membership (see section 6.a.). In some cities activists claimed that anyone who ran as an independent parliamentary candidate in 2004 was fired during the year. There were other credible reports that authorities threatened to remove children from school or university because of the parents' activities. In November the head of the ideology department of Baranavichy, Mr. Zhidko, forced Viktor Syritsa, a lecturer at the Baranavichy Economic and Law College, to resign because he organized a meeting between his students and an opposition politician. On August 23, local officials in Varkhi refused to renew the employment contract of school principal Leonid Gorovoi, a member the Belarusian Social Democratic Party Hramada. On October 14, a district court in Gorodok rejected Gorovoi's appeal for the return of his job. In defending their decision, local officials reportedly blamed the "flawed schedule" Gorovoi created for the high incidence of thyroid cancer in the region. In February customs authorities did not renew the work contract of Vasil Vauraniuk, a member of the Belarusian Social Democratic Party Narodnaya Hramada, who served as an election observer in the October 2004 elections.

Party members were often detained, fined, or jailed after conducting meetings. For example, authorities in Baranovichi detained UCP leaders Anatoly Lebedko and Sergey Kalyakin on July 16 for holding an unsanctioned meeting, even though it was held in a registered party office. On July 18, authorities fined two UCP members \$240 (516 thousand rubles) each for organizing a meeting in a private residence. On August 30, authorities fined Belarusian Party of Communists activist Anatoliy Novik \$475 (1 million rubles) for holding an unsanctioned meeting, even though the meeting was at a registered party office.

Opposition members routinely faced other forms of harassment throughout the year. Police frequently stopped and briefly detained opposition presidential candidate Aleksandr Milinkevich and his campaign team when they traveled around the country. On November 24, authorities in Bobruisk turned off the electricity and disconnected the telephones to an apartment where Milinkevich was trying to hold a press conference. Authorities also prevented some local residents from meeting with him.

There were 32 women in the 110-member lower house of parliament and 18 women in the 56-member upper house of parliament. However, no women chaired any of parliament's 14 committees. There were 3 women in the 25-member Council of Ministers, and the head of the Central Election Commission was a woman. With the exception of the judiciary, men held virtually all leadership positions.

No high-level members of government or parliament openly identified themselves as members of a minority, although several are Polish or members of other ethnic groups.

#### Government Corruption and Transparency

Corruption in the executive branch of government was a significant problem. Authorities prosecuted a significant number of individuals for corruption—over four thousand in the first 11 months of the year—indicating growing efforts to combat corruption. However, corruption remained a problem in the highest levels of government, with a poor delineation between the president's personal and official funds, and a heavy reliance on off-budget revenues. The government itself profited from official corruption, for example through high levels of goods confiscated at the border being sold in state shops and the increasing renationalization of the economy. According to Transparency International, the problem appeared to be endemic and worsening. In 2004 authorities arrested and convicted the head of the property management division of the presidential administration, Galina Zhuravkova, for embezzling over \$3 million. Despite being sentenced to four years in prison, she was never taken into custody.

The law and government policies severely restrict public access to government information, and authorities moved to restrict it further during the year. In practice citizens were given good access to certain categories of information, and access to other information was extremely limited. A 2004 presidential edict broadened significantly the amount of government material considered a state secret.

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

Several domestic human rights groups were active in the country; however, authorities hindered their efforts to investigate alleged human rights violations. Authorities monitored NGO correspondence and telephone conversations and harassed NGOs by bureaucratic means such as frequent tax and other inspections and deregistration (see sections 1.f. and 2.b.). The government generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official government media did not report on human right NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see section 2.a.).

The government has closed most major registered human rights NGOs and NGO resource centers, actions viewed by independent observers as politically motivated. On July 19, the president signed a restrictive new law that allows authorities to close an NGO after just one warning from the government of a violation of the law. The violations most frequently cited were discrepancies between the stamp that had been presented when the organization registered and the one used on a subsequent occasion, inaccuracies in an organization's letterhead, the use of a mailing address at a residence rather than the registered office, alleged forgeries among the signatures required to obtain legal registration, and failure to follow the organization's own by-laws. The law allows authorities to close an NGO for illegally accepting foreign assistance and allows the Ministry of Justice to participate in any NGO activity, review any NGO document, and request any information from an NGO. It also requires NGOs to present a detailed report annually to the Ministry of Justice on their activities, office locations, names of officers, and total number of members.

On July 18, the Nadezhda Center in Vilejka region cancelled reservations at the last minute for a summer human rights camp hosted by the Foundation for Legal Technologies NGO on the pretext that government inspectors had found unsanitary conditions at the camp. On February 21, the Supreme Court closed Adradzhenne Aychyny, an NGO dedicated to women's economic and political rights, for allegedly not responding to Ministry of Justice requests for information in a timely manner. The closing occurred immediately after the NGO held a seminar on gender issues with Vyasna, a human rights NGO that the government had previously closed.

The law prohibits persons from acting on behalf of an unregistered NGO, and the government prosecuted several persons for this offense during the year. On September 28, Grodno judge Natalya Kozel fined Jan Roman \$600 (1.3 million rubles) for passing out bulletins of a trade union that was not registered in that region. On October 11, the Minsk prosecutor's office issued a warning to the Romani NGO *Zhoda* for writing an appeal on behalf of the Union of Belarusian Poles, whose leadership the government did not recognize. On December 2, police searched the home of Telman Masliukov, claiming he had illegal drugs and weapons. Police seized material from the unregistered Zubr youth group and charged Masliukov with acting on behalf of an unregistered organization.

A presidential decree provides that international assistance may only be granted to, or accepted by, an organization that is registered with the Ministry of Economy; however, government regulations prohibit international assistance for human rights organizations regardless of their registration status. Another presidential decree prohibits foreign support for a broad range of activities, including the preparation, administration, and organization of elections and referenda; the organization of meetings, rallies, demonstrations, pickets, and strikes; the publication and distribution of promotional materials; and the organization of seminars and other types of promotional activities involving the population. The law also prohibits unregistered organizations from providing assistance to other NGOs.

The government sometimes refused groups permission to accept foreign support even if they complied with government reporting requirements. For example, after two months of applying, the government refused the Belarus Helsinki Committee permission to accept one thousand dollars from the International Helsinki Federation.

Break-ins and questionable tax audits remained problems during the year. On June 17, Minsk's Moskovskiy District tax office again attempted unsuccessfully to collect back taxes and fines on the Belarus Helsinki Committee, although the committee won several court cases against these taxes in 2004. In the same frequently recurring case, on December 20, the Supreme Economic Court overturned its own earlier ruling and ordered the Belarus Helsinki Committee to pay \$72 thousand (155 million rubles) in back taxes and fines on a grant it received from the European Union (EU). In May Rada, the Belarusian Association of NGOs for Youth and Children, was ordered to pay fines and back taxes on EU and UN grants. On February 24, four Ministry of Justice officials broke into and searched the office of the International Institute for Socio-Economic and Political Studies outside Minsk.

Authorities were increasingly reluctant to discuss human rights with international NGOs, whose members often had difficulty traveling to and were occasionally expelled from the country.

The government rejected an April 14 UNCHR resolution that urged it to conduct a transparent investigation into the disappearances of prominent opposition activists and to suspend or dismiss officials suspected of involvement in the disappearances (see section 1.b.). The resolution also stressed the need for the government to bring election standards into line with international norms, release persons imprisoned for political reasons, assure the freedoms of media, assembly and association, and comply with the various UNCHR mechanisms. The UNCHR extended the mandate of its special rapporteur on the human rights situation in the country; however, the government again refused to grant the rapporteur a visa to enter the country to conduct an assessment. On September 19, Deputy Foreign Minister Viktor Gaisnok announced that the government would not cooperate with the rapporteur.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests. The constitution and other laws also specifically prohibit discrimination based on factors such as race and language, or gender in certain instances. However, the government did not always protect these rights in practice. Violence against women and children, trafficking of persons, and discrimination against persons with disabilities, Roma, and homosexuals were problems.

### Women

Domestic violence, including spousal abuse against women, was a significant problem. In January 2004 the country's delegation to the Commission on the Elimination of Discrimination Against Women stated that 30 percent of women reported suffering from domestic violence. Spousal abuse is punishable under the law, and women's groups indicated that the police generally enforced laws against domestic violence and that the courts generally imposed appropriate sentences. In 2004 some 350 criminal cases were opened for domestic violence. Nevertheless, women were reluctant to report domestic violence due to fear of reprisal and social stigma. Women's rights activists reported they were unable to get domestic violence legislation introduced into parliament. NGOs operated crisis shelters, primarily in Minsk.

Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police would blame the victim. There is no explicit law against spousal rape, and there have been no prosecutions. Over 20 percent of women reported experiencing sexual abuse at least once, according to data released by the Ministry of Labor and Social Security in 2004. In the first 10 months of the year, the Ministry of Interior reported 392 rapes, a 17 percent increase from the year before. Socially, spousal rape was not viewed as a crime.

The law prohibits prostitution, but the penalties usually involved only a warning or a small fine. Although authorities and local human rights observers reported that prostitution was not a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in regions outside the main cities. Prostitution rings operated in government-owned hotels.

Trafficking in women was a serious problem (see section 5, Trafficking).

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

The law provides for equal treatment for women with regard to property ownership and inheritance, family law, and in the judicial system, and this was generally respected in practice. The law also requires equal wages for equal work; however, this provision was not always enforced. Women had significantly fewer opportunities for advancement to the upper ranks of management or government and a disproportionate number of the unemployed were women. At year's end women held only four high-level government positions and four CEO positions in major companies. Women reported that managers frequently considered whether a woman had children when examining job candidates. The Ministry of Labor and Social Security is responsible for ensuring gender equality; however, it cannot issue binding instructions to any other government agency.

## Children

The authorities were committed to children's welfare and health, although the quality of education and medical care was lower outside of major cities.

Children begin school at the age of 6 and are required to complete 9 years of education. The government made 11 years of education available at no cost, and most children completed compulsory schooling. In many cases the government paid for university education.

Children were entitled to free health care. While allowing thousands of children living in Chernobyl-affected areas to travel abroad for rehabilitation, the government introduced new regulations that blocked certain groups of children from traveling during the school year (see section 2.d.). There were no differences in the health treatment available to girls and boys.

Child abuse was a limited problem. The Ministry of Labor reported that 86 percent of the country's 32 thousand orphans had been abandoned by their parents; this statistic appeared to include children of alcoholic parents removed from the home by the government.

Child marriage was generally not a problem. However, within the Romani community, girls as young as 14 and boys as young as 16 could marry with parental consent.

Trafficking of children was a problem (see section 5, Trafficking).

The law allows military units to adopt and train orphans between the ages of 14 and 16. While these children are not enlisted in the military, they must comply with military rules, wear a uniform, and obey orders. They are required to join the unit upon reaching the draft age of 18.

## Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and within the country. The government continued to make efforts to combat trafficking, including the adoption of decrees to protect victims' rights and increase punishment for traffickers; however, corruption among police officers and border guards continued to inhibit the government's antitrafficking efforts.

The law criminalizes trafficking in persons for sexual or other kinds of exploitation. The penalty for trafficking is 5 to 7 years' imprisonment; severe forms of trafficking are punishable by up to 15 years' imprisonment. On March 9, a presidential decree increased the punishment for trafficking. Although the possible penalties remain the same, amendments to the criminal code made after this decree ensure that those convicted of trafficking receive longer sentences than they would have prior to the decree. The decree also amended the law to provide that trafficking victims are not held criminally responsible for illegal acts committed while a victim and that the government may confiscate the property of convicted traffickers.

Government efforts to combat trafficking improved. In the first half of the year authorities convicted 84 persons for trafficking, compared to 67 in the same period in 2004. On March 3, a Minsk district court sentenced the head of a sex trade ring to 15 years in prison for trafficking 168 persons to foreign countries.

The government's antitrafficking efforts are coordinated by the interior ministry's department on combating trafficking in human beings. Many observers concluded that the government needed to clarify the role and power of the department in order for it to be effective.

Attention to trafficking at the border increased, but segments remained largely uncontrolled. An EU program provided training and equipment to border guards; however, an open border exists with Russia. The Ministry of Labor continued to monitor and license activities of employment agencies offering labor contracts in foreign countries. Under a March presidential decree, all agencies that facilitate travel, work, study, and marriage abroad were forced to reregister with the government and provide full information to the government about foreign employment contracts, if applicable (see section 2.d.). Out of 716 travel agencies, 198 were not reregistered. Most agencies dealing with work abroad, as well as most modeling agencies and marriage brokers, were not reregistered.

Authorities cooperated with counterparts in Germany, the United Kingdom, Israel, the Netherlands, France, Spain, Lithuania, Austria, Poland, Italy, Turkey, and other countries on trafficking cases.

NGO sources estimated that 10 thousand citizens became victims of trafficking annually, primarily for sexual exploitation in other countries. The country was both a country of origin and transit for women and girls trafficked to the EU (particularly Germany, Poland, the Czech Republic, Lithuania, and Cyprus), the Middle East (particularly Israel), Turkey, Russia, Ukraine, and Japan. The country's open border with Russia was a particular problem as it allowed easy trafficking of women. Women under the age of 30 and girls were at particular risk of being trafficked due to their ignorance of the danger and their lack of economic opportunities, although women over 30 increasingly became trafficking victims during the year.

Traffickers used force, fraud, and coercion to traffic persons, mostly from economically depressed areas, for sexual exploitation or for physical or menial labor. Traffickers used offers of foreign employment or marriage and travel agencies to recruit victims. More than half of the women trafficked were promised jobs as dancers or entertainers without any mention of prostitution or sex work. Traffickers often withheld victims' documents and used physical and emotional abuse to control them.

Employment agencies, particularly travel and modeling agencies, and persons with connections overseas were primarily responsible for trafficking. Some traffickers reportedly had links to organized crime and drug trafficking.

Corrupt officials facilitated trafficking by accepting bribes and turning a blind eye to trafficking. On March 3, former culture ministry official A. Semenov was sentenced to 8 years in prison for using his position to traffick 20 women to Italy.

Women seldom reported trafficking crimes to police due to the social stigma attached to trafficking, aversion to dealing with authorities, insufficient protection of victims and witnesses, and a shortage of services for victims. Some victims were deported back to the country and did not receive special status or assistance as trafficking victims. The International Organization for Migration (IOM) assisted 455 victims as of December 1, compared with 251 in 2004. The IOM attributed the increased number to public awareness of the problem of trafficking and improved law enforcement assistance to trafficking victims.

On August 8, the government adopted a decree that defines the status of trafficking victims and mandates measures to provide protection, medical care, and social rehabilitation to victims. The decree makes traffickers responsible for expenses incurred by the government, helping victims and permitting agencies that assisted victims to gain reimbursement through the courts.

On January 20, a state television network aired an antitrafficking film during prime time. There was also an increase in the number of antitrafficking billboards and television and radio public announcements through the year.

The IOM, the UN Development Program (UNDP), and La Strada/Young Women's Christian Association (YWCA) conducted national awareness campaigns and provided training to NGOs in regional towns. La Strada/YWCA and the IOM continued to open and operate hotlines. On August 23, the IOM and other official foreign donors began a two-year program to combat trafficking through the economic empowerment of women. The government did not conduct any trafficking awareness programs during the year, but increased reporting on trafficking in the government-controlled media.

### Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities. Discrimination in the provision of employment, education, access to health care, and other government services was a problem, although the government made improvements during the year.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities; however, facilities, including public transport and government office buildings, were usually not accessible. The Republican Association of Disabled Wheelchair Users (RADWU) reported that the government's 2001 program to make public buildings accessible to persons with disabilities over a five year period had few results. For example, ramps were installed on the exteriors of some buildings, but the interiors remained inaccessible. RADWU estimated that over 75 percent of persons with disabilities were unable to leave their homes without assistance. Many sidewalks and stores had no ramps and many buildings had only stairs or small elevators.

Central authorities provided minimal and mainly ineffectual benefits for persons with disabilities. For example, while persons with disabilities may receive a 50 percent discount on rent and utilities, it could only be claimed if they lived alone. Since few homes were accessible to persons with disabilities and most lived with friends or family who helped provide daily mobility, very few could claim benefits. Public transportation was free, but neither the subway nor the bus system were wheelchair accessible.

The government prohibited employers from requiring persons with disabilities to work more than seven hours a day. However, this restriction discouraged companies from hiring persons with disabilities. The government supported only state-run rehabilitation facilities that were often not as well-equipped or responsive to patient needs as NGO facilities.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities.

### National/Racial/Ethnic Minorities

Unlike in previous years, there were no reports that youth in ultranationalist skinhead groups such as the Russian National Union and the National Bolshevik Party harassed foreigners and citizens promoting Belarusian culture.

Events and stores associated with the Belarusian Orthodox Church sold anti-Semitic literature (see section 2.c.).

In March the government interfered with the election of the new leader of the Union of Belarusian Poles (see section 2.b.).

There was significant official and societal discrimination against the country's approximately 65 thousand Roma. Police harassed Romani women selling produce or telling fortunes in markets, while government media and officials portrayed Roma negatively. In October and November, state television channel ONT aired a documentary, "*Gypsies Go to Jail*," that portrayed all Roma as criminals who sold drugs from childhood. On December 21, the CRNA, responding to complaints by Romani groups, asked the prosecutor general's Office to examine whether this program dishonored the Roma.

The Romani community was characterized by high unemployment and a low level of education; in November authorities estimated the unemployment rate at 93 percent. Romani children spoke mainly Romani and Belarusian and struggled in the school system, where the primary language of instruction was Russian. Romani students reported that teachers and fellow students often considered them lazy or mentally incompetent due to language-related academic difficulties. The Romani Lawyer's Group continued again during the year to petition the government to permit the establishment of a public Romani school in Minsk, arguing that there were schools for Jews, Lithuanians, and Poles; authorities had not responded by year's end.

Roma were often denied access to higher education in state-run universities.

The Russian and Belarusian languages have equal legal status; however, in practice Russian was often the only language used in government activities and on government forms. The government's record in providing certain services in the Belarusian

language improved slightly during the year. On occasion authorities conducted official activities or published government documents in Belarusian, although they continued to limit the availability of early childhood education in Belarusian. Schools taught several subjects, such as national history and geography, in Belarusian, but increasingly taught most subjects in Russian.

In September Belarusian State University officials required student group leaders to report students who identified themselves as ethnic Lithuanians or Poles, claiming the information was needed to determine the percentage of international students at the university.

#### Other Societal Abuses and Discrimination

Discrimination against homosexuals was a problem. Homophobia was widespread, and instances of harassment occurred in all spheres of society.

The government-controlled media tried to smear the opposition by associating it with homosexuality. The media broadcast footage of a contrived demonstration by a small group of "sexual minorities" at the October 2 opposition congress along with the comments of bystanders that "gays are evil." Program announcers added comments to the effect that homosexuality goes hand-in-hand with Western paths to development.

Societal discrimination against persons with HIV/AIDS was a problem. HIV-infected individuals were afraid to disclose their status for fear of prejudice. Even doctors often feared AIDS and lacked knowledge about the disease. The UNDP reported that very few medical personnel dealt with HIV/AIDS patients and HIV-infected women could give birth only at one department at one hospital. In prisons, HIV-infected inmates faced strong discrimination and were segregated to minimize the risk of injury or death at the hands of other prisoners.

#### Incitement to Acts of Discrimination

On June 2, the defense ministry newspaper *Vo Slavu Rodiny* published an article and poem that denounced the election of the Union of Belarusian Poles' leadership as undemocratic and illegal, likening it to Hitler's fifth column and insinuating that it was aiding a foreign country in trying to overthrow the government. The poem encouraged the public to meet such efforts with violence, such as using clubs against "these" Poles.

#### Section 6 Worker Rights

##### a. The Right of Association

The law allows workers, except state security and military personnel, to form and join independent unions on a voluntary basis; however, the government did not respect these rights in practice. During the year the government continued efforts to suppress independent unions and bring all union activity under its effective control. Its measures to this end included conversion of all government employees to short-term contracts, nonextension of employment contracts for some members of independent unions, arrest of members of independent unions for distributing union literature, confiscation of union materials, denial to union members of access to work sites, excessive fines, and pressure on union members to join progovernment unions.

The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union organization, claiming four million members; this number was likely inflated, since the country's total workforce was approximately four million. The Belarusian Congress of Democratic Trade Unions (BCDTU) was the largest independent union affiliation with four independent unions totaling 12 thousand members.

Unlike the previous year, the government did not close any independent unions; however, on August 9, the Minsk City economic court evicted the Belarusian Free Trade Union (BFTU) from its offices for alleged nonpayment of rent to the government-owned housing bureau of the Minsk Partizanskiy region. The BFTU denied the allegation. The eviction left the union without a legal residence and therefore vulnerable to being closed by the government.

On August 29, the Ministry of Justice ordered the independent Radio and Electronic Industry Workers' Union (REP) and BCDTU to provide information on their membership and organizational structure within 48 hours. Union leaders criticized the order, and REP leader Gennady Fedynich claimed that his union had been under inspection for seven months and that the ministry already had the information it required. The BCDTU had also gone through a government inspection a few months earlier.

On October 4, Grodno authorities, under orders from the Ministry of Justice, inspected the Belarusian Independent Trade Union

(BNP) at the Grodno-Azot factory, checking documents, membership lists, and minutes of conferences and sessions of the BNP executive committee, as well as membership dues. The union's leader claimed he was not informed of the inspection in advance and expressed the view that authorities were carrying out instructions given by Lukashenko in a FTUB conference speech to "destroy" all independent trade unions. The government claimed it informed the union in advance of the inspection, and that no violations were found.

The Ministry of Justice closed the Belarusian Party of Labor in August 2004; the party was not re-established during the year.

The government restricted the ability of workers to organize independent unions. A presidential decree requires that unions enroll at least 10 percent of workers in an enterprise in order to form and register a local union and at least 500 members to form and register a national union. Independent trade union leaders reported that the requirement made union registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions were denied registration under the decree.

On November 4, the Ministry of Justice ordered the independent Free Trade Union of Metalworkers (FTUM) to reregister as a local organization after a ministry inspection found the union only had 217 members. FTUM leadership protested, claiming the union has 542 members and that the ministry had blocked 4 of the union's 9 local branches from registering. The ministry also found the Democratic Union of Transport Workers to have too few members, and referred the case to the prosecutor general for further action.

On July 18, President Lukashenko signed a decree giving the progovernment FTUB the exclusive right to inspect any employer, government-owned or private, for compliance with labor regulations without regard to whether it actually employed FTUB members. The BCDTU considered that this decree discriminated against unions not affiliated with the FTUB. On October 20, the Ministry of Labor gave the FTUB the right to inspect any business for compliance with wage regulations, regardless of whether that firm employed FTUB members.

On September 20, at the FTUB convention, Lukashenko criticized independent trade unions and advised the FTUB to enlist the remaining independent trade union members into the FTUB. An October 26 presidential decree granted FTUB-affiliated unions free use of office space in state-owned buildings. This decree did not apply to independent trade unions.

Since 2004 the government has forced government employees and employees of state-owned businesses, who were a majority of the workforce, to work under a short-term contract system. There were credible reports that the government used this system to dismiss independent union members and opposition political activists. While contracts could be signed for periods up to five years, most major employers concluded contracts for six-month or one-year terms. On August 23, President Lukashenko signed a decree that set the minimum contract length at one year. Any contract for a shorter period must have the worker's written consent; contract terminations required a two-week notice. Independent unions welcomed the decree but considered the contract system to be "fundamentally" wrong and incompatible with international standards. Union sources reported that state companies began offering bonuses to workers who signed contracts; workers who signed contracts received salary increases of up to 35 percent.

Authorities took a number of actions to interfere with the organizing and operation of independent unions. During the year the government revived its ideology program at state enterprises, assigning new ideology directors to promote government policies and monitor workers' attitudes. Previously, tenured and relatively independent workers occupied such positions. One independent union leader claimed that the ideology director at his factory characterized the job as being to rid the factory of all nongovernment unions.

On August 15, the Minsk Automobile Plant (MAZ) transferred Vladimir Volkov, the chair of the MAZ REP, to a less qualified position with a decrease in pay, claiming his health kept him from fulfilling his duties. Sources indicated that Volkov's health did not affect his work, but gave the MAZ administration a reason to annul his contract and move him to another section of the factory. The new position prevented Volkov from speaking to other union members at the plant.

On September 28, a Grodno court fined Jan Roman, a journalist for the independent union newspaper *Solidarnost* and member of the REP, \$600 (1.3 million rubles) for acting on behalf of an unregistered organization. The action was based on allegations by the head of the guard unit at the Grodno Automobile Engine Plant that Roman had distributed leaflets containing foul language and biased information that disrupted the plant's working environment. In reaching its decision, the court ignored documents showing that REP was registered with the Ministry of Justice and ruled that the union was an unregistered organization because it did not have a local chapter or registration in Grodno. Roman was again arrested October 7 for passing out copies of an independent newspaper but released after an hour. On September 21—a week prior to Roman's conviction—unknown persons

broke into and ransacked REP's rented Grodno offices, breaking computers, overturning furniture, and removing documents and electronic files. REP leaders blamed the break-in on government services. On September 13, unknown persons broke into the Minsk office of REP leader Gennady Fedynich and removed documents and electronic files.

Authorities harassed independent union leaders. On October 13, the prosecutor general's office summoned BCDTU leader Aleksandr Yaroshuk to question him on where he heard that President Lukashenko had ordered the FTUB to eliminate independent unions. In September the prosecutor general's office questioned REP leader Gennady Fedynich about material in a REP bulletin, the place the bulletin was printed, and arrangements for its distribution.

Authorities continued to threaten or fire employees at state-run enterprises who joined independent unions; workers often chose to avoid joining nongovernment unions in order to keep their jobs and provide for their families. For example, in Orsha, threats of job loss reportedly caused independent union membership to drop from 250 to 190 during the year. Union leaders and political activists were typically unable to renew their contracts or were unsuccessful in finding new jobs in their profession. Oleg Dolbik, head of the dissolved Belarusian Union of Air Traffic Controllers, was fired as an air traffic controller in 2004 and has since had difficulty finding a job in his profession.

On July 29, Maria Bogdanovich, an opposition activist who was fired from the Gomel region history museum on May 25, won a lawsuit against the museum administration. The Gomel central court ordered the museum to pay Bogdanovich for her forced May 25-July 29 absence from work and to change the reason of her dismissal from "repeated failure to carry out her labor contract duties without valid reasons" to "dismissal by mutual consent." Bogdanovich accused the museum administration of victimizing her for her political activities. Employers are not required to reinstate workers fired for political or union activity.

The government interfered with unions' participation in regional and international labor organizations.

On February 2, BCDTU leader Aleksandr Yaroshuk reported that the government, citing the BCDTU's "insufficient membership," did not include the largest independent union in the country's official delegation to the regional International Labor Organization (ILO) conference in Budapest; instead, the country's unions were represented by Eduard Matulis, deputy chairman of the government-controlled FTUB.

In October 2004 an ILO commission of inquiry found that the government had interfered in union activity and made 12 recommendations to the government on increasing its respect for freedom of association. In June the ILO application of standards committee concluded that the government had not taken concrete measures to comply with the recommendations. The government refused permission for a special ILO commission of inquiry to visit the country in September due to "scheduling conflicts." In November the ILO committee on freedom of association presented a report that concluded the government had failed to implement any of the 12 recommendations.

In 2003 the Ministry of the Economy instructed the ILO to stop all activities related to its technical assistance project for labor unions because the registration of the project had been rejected. The ministry cited the exclusion of the government-controlled FTUB from project activities as the main reason that registration was denied, even though local branch unions affiliated with the FTUB participated in project activities throughout the year.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, government authorities and state-owned enterprises interfered in union activities and hindered the ability of workers to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

In October 2004 an ILO commission of inquiry concluded that several trade unions had been denied the right to bargain collectively because of the deregistration and nonregistration of unions. Unions reported that some enterprises and state agencies pressured workers to accept individual contracts in lieu of collective contracts and also altered the duration of the contracts from life to fixed terms.

While the FTUB has exclusive rights to inspect any workplace, independent unions were rarely able to engage in such activities. For example, the BFTU chairman, Gennady Bykov, was denied access to the Minsk Factory of Automatic Lines, despite having a union leader pass. According to the BFTU, the head of the personnel department of the plant refused to grant Bykov access until he provided information about his reporting and about the union conference at which he was elected chairman of the BFTU. After the requested information was submitted, Bykov was granted an access pass until the end of the year. Bykov linked the incident to the administration's fear of BFTU's activities and its increasing membership at the plant.

The law provides for the right to strike; however, tight government control over public demonstrations made it difficult for unions to strike or hold public rallies. During the year small vendors and workers organized several small strikes in various regions of the country. Nonetheless, authorities authorized only small demonstrations away from city centers. Management and local authorities frustrated workers' attempts to organize strikes on many occasions by declaring that such activities would be illegal.

In April Brest Oblast judge Ruslana Syanko found Valantsin Lazarenkau, the chair of the Brest Oblast branch of the Free Trade Union, guilty of holding an unsanctioned meeting in a market during a market vendors' demonstration on March 15. Lazarenkau claimed he did not organize the meeting but was invited as a guest speaker. Judge Syanko fined Lazarenkau \$237 (510 thousand rubles). On April 25, Minsk city authorities denied REP permission to stage a rally in central Minsk on May 1 on the grounds that the REP failed to apply 15 days in advance, as stipulated by law. According to REP leader Gennady Fedynich, the application was delivered on April 15.

There are no special laws or exemptions from regular labor laws in the six special economic zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, women and girls were trafficked for sexual exploitation (see section 5).

The government approved several *subbotniks* by which workers "volunteered" to work on Saturday and donate the day's earnings to finance government social projects. Participation in *subbotniks* was technically voluntary but effectively mandatory; workers who refused to participate were subject to fines and intimidation by employers and government authorities.

On March 1, the government arbitrarily ordered 150 graduating medical students to work for 3 years in small towns and villages assigned by the government. While the government routinely assigned students who received state scholarships or stipends to work in such areas after graduation, this was the first time authorities forced students who had not received assistance into compulsory service.

With the concurrence of a doctor, an administrative court may sentence alcohol and drug abusers to up to two years' labor in a government work-treatment center, one of which is located in each of the country's six regions. Inmates receive minimal pay, almost all of which is taken to cover room and board.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The government has laws and policies to protect children from exploitation in the workplace, including a prohibition on forced and compulsory labor and policies regarding acceptable working conditions, and the government implemented these laws in practice.

The law establishes 16 as the minimum age for employment. With the written consent of one parent or legal guardian, a 14-year-old child may conclude a labor contract. The prosecutor general's office reportedly enforced this law effectively. Minors under the age of 18 were allowed to work in nonhazardous jobs, but were not allowed to work overtime, on weekends, or on government holidays. Work was not to be harmful to the minor's health or hinder his/her education. Child labor was generally not a problem.

#### e. Acceptable Conditions of Work

The national minimum wage of \$55 (118 thousand rubles) a month did not provide a decent standard of living for a worker and family. Officially, average real wages were approximately \$250 (537 thousand rubles) a month at year's end, although many employees received additional wages under the table.

The law establishes a standard work week of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic situation, a number of workers found themselves working considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to raw material or energy shortages or lack of demand for factory output. The law provides for mandatory overtime and holiday pay and restricts overtime to 4 hours every two days, with a maximum of 120 hours of overtime allowed each year. The government was believed to have effectively enforced these standards.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these

standards. Workers at many heavy machinery plants did not wear even minimal safety gear. There is a state labor inspectorate, but the agency lacked authority to enforce employer compliance and often ignored violations. From January to June, workplace accidents killed 101 workers and seriously injured 337 others; 46 percent of those killed in accidents were inebriated. The law does not provide workers the right to remove themselves from dangerous work environments without risking loss of employment.



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