BELARUS

EXECUTIVE SUMMARY

Belarus is an authoritarian state. The country's constitution provides for a directly elected president, who is chief of state, and a bicameral parliament, the national assembly. A prime minister appointed by the president is the nominal head of government. In practice, however, power is concentrated in the presidency. Since his election as president in 1994, Alyaksandr Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. Subsequent presidential elections, including the one held in December 2010, were neither free nor fair and fell well short of meeting international standards. The 2008 parliamentary elections also failed to meet international standards. Security forces reported to civilian authorities and to Lukashenka in particular.

The most significant human rights problems continued to be the inability of citizens to change their government; a system bereft of checks and balances in which authorities committed frequent, serious abuses; and the government's politically motivated imprisonments of hundreds of people during the year. Additionally, the government failed to account for past politically motivated disappearances.

Other human rights problems included abuses by security forces, which beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture and/or maltreatment during investigations and in prisons. Prison conditions remained extremely poor. Authorities arbitrarily arrested, detained, and imprisoned citizens for criticizing officials, for participating in demonstrations, and for other political reasons. The judiciary lacked independence, and suffered from inefficiency and political interference; trial outcomes often were predetermined, and many trials were conducted behind closed doors or in absentia. Authorities continued to infringe on citizens' privacy rights. The government further restricted civil liberties, including freedom of speech, press, assembly, association, religion, and movement. The government seized printed materials from civil society activists and prevented independent media from disseminating information and materials. The government continued to hinder or prevent the activities of some religious groups, at times fining them or restricting their services. Authorities harassed human rights groups, nongovernmental organizations (NGOs), and political parties, refusing to register many and then threatening them with criminal prosecution for operating without

registration. Official corruption in all branches of government remained a problem. Violence and discrimination against women were problems, as was violence against children. Trafficking in persons remained a significant problem. There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language. Authorities harassed and at times dismissed members of independent unions, severely limiting the ability of workers to form and join independent trade unions and to organize and bargain collectively.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports during the year that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

The prosecutor general again extended the 11-year investigation into the 1999 disappearance of former interior minister and opposition leader Yury Zakharanka. There were no developments in the continuing investigations into the 2000 disappearance of journalist Zmitser Zavadski, and the 1999 disappearances of opposition activist Viktar Hanchar and businessman Anatol Krasouski. There was evidence of government involvement in these cases, but authorities continued to deny any connection with the disappearances.

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

The law prohibits such practices; however, the Committee for State Security (KGB), riot police, and other security forces continued to beat detainees and demonstrators routinely. Security forces also reportedly used torture during investigations. During arrests police frequently beat individuals as well as persons detained for organizing or participating in demonstrations and other opposition activities. In June and July dozens of participants in nationwide “silent” demonstrations reported that unidentified plainclothesmen who were supposedly

security or police officers brutally beat them either during their arrest or in minivans and buses without license plates, or while in detention. For example, on July 6 in Brest, police severely beat demonstrators; one person sustained a broken finger and fractured ribs.

On December 19, unidentified individuals believed to be from the KGB arrested three female Ukrainian activists protesting election fraud in Minsk. The activists reported that they were abducted, taken to a forest, forced to disrobe, doused with gasoline, and threatened with immolation. They were found by local residents at a remote village near the Ukrainian border, treated at a local hospital, and returned to Ukraine.

In December 2010 police used physical force and violence to break up crowds of peaceful demonstrators following presidential elections; many were beaten and more than 700 persons were detained, including seven opposition presidential candidates. Scores of demonstrators and a small number of police officers were injured. Before the polls closed, police stopped a group of protesters led by presidential candidate Uladzimir Nyaklyaeu and a van carrying a sound system for the demonstration. A group of unidentified men in black uniforms believed to be special forces tossed stun grenades at the group. They beat Nyaklyaeu in the attack and seized the sound equipment. Supporters took him to a hospital for treatment, but unidentified men later abducted him from his hospital bed and held at the KGB detention center. On January 26, Internal Affairs Minister Anatol Kulyashou claimed that police officers were not involved in attack and beating of Nyaklyaeu, his supporters, and foreign journalists. On August 10, the Prosecutor General's Office notified Nyaklyaeu that the government would not open a criminal investigation into his beating.

Human rights advocates, opposition leaders, and activists released from detention facilities continued to report torture and other forms of physical and psychological abuse of suspects during criminal and administrative investigations. For example, shortly after his release from the KGB detention center on February 28, former presidential candidate Ales Mikhalevich claimed that, as a condition of his release, authorities forced him to sign a statement that he would assist the KGB. Mikhalevich said that unidentified officers wearing black masks dragged him from his cell, handcuffed him, twisted his arms, bent him to the floor, and forced him to remain in uncomfortable positions for long periods of time.

According to Mikhalevich, KGB guards undressed prisoners and searched their cells, while prisoners were forced to remain in a cold room and do physical

exercises. Authorities deprived prisoners of sleep and placed them in unventilated cells in which the floors had been freshly painted with acetone-based paint. KGB officers threatened Mikhalevich with further physical abuse against him and his family if he complained about these conditions. Other political prisoners, including Uladzimir Kobets, Alyaksandr Atroschankau, and Andrei Sannikau, echoed Mikhalevich's description of detention center conditions. On April 4, the Prosecutor General's Office refused to launch a criminal investigation into Mikhalevich's claims of torture, stating that the claims were unfounded and constituted "false denunciations." On September 16, the Military Prosecutor's Office turned down Sannikau's request to investigate his claims of torture, citing a lack of evidence.

Authorities also targeted lower-profile opposition activists, who were charged and convicted of participating in mass disturbances during the December 2010 demonstration. They subjected the activists to violence, psychological pressure, and other forms of intimidation to force them into testifying against the opposition presidential candidates. The Belarusian Helsinki Committee (BHC), a local human rights group, documented a police practice of charging individuals as accomplices in certain crimes in order to induce them to implicate others, then dropping the charges and forcing them to serve as prosecution witnesses. Women detained in the December 2010 protests reported that authorities threatened them with rape while in custody. Many of those who were ultimately charged with criminal behavior were detained for the maximum 10 days without charge, permitting authorities to put pressure on them by denying them visits, receipt of medicines, and food from their families.

The hazing of new army recruits, including beatings and other forms of physical and psychological abuse, continued; however, the situation improved somewhat as the government increased its prosecution of offenders. On May 16, the Prosecutor General's Office stated that military leaders and prosecutors were taking "effective measures" to prevent deaths, injuries, and incidents of hazing in the army. Prosecutors claimed that in 2010 there were no reports of hazing deaths or assaults causing severe bodily harm. They reported that the number of incidents of assault and battery decreased 33 percent and injuries among servicemen decreased 21 percent between 2009 and 2010.

Prison and Detention Center Conditions

Prison and detention center conditions remained poor and in many cases posed threats to life and health. There were shortages of food, medicine, warm clothing,

and bedding and inadequate access to basic or emergency medical care and clean drinking water. Ventilation in cells and overall sanitation were poor, and authorities failed to provide conditions necessary for maintaining proper personal hygiene. Prisoners frequently complained of malnutrition and low-quality uniforms and bedding. Some former political prisoners reported psychological abuse and being forced to share a cell with violent criminals. The law permits family and friends to bring detainees food and hygiene products and to send them parcels by mail, but in many cases authorities did not adhere to the law.

Former prisoners reported that access to medical care was severely limited and frequently provided by under-qualified medical personnel and the results of medical check-ups were often fabricated. As a result of these conditions, tuberculosis, pneumonia, HIV/AIDS, and other communicable diseases were widespread in prisons. According to domestic human rights groups, the rate of tuberculosis infection in prisons was seven times the national average. The Ministry of Internal Affairs reported that, out of approximately 50,000 inmates nationwide, 1,170 suffered from active tuberculosis. The death rate from tuberculosis among inmates was 1.3 times the national average. According to NGOs, authorities continued their practice of isolating certain prisoners--particularly inmates with HIV/AIDS and foreign citizens. According to official data, at the end of 2010 there were 1,098 inmates with HIV/AIDS, accounting for 15 percent of the total number of persons with HIV/AIDS in the country.

In March members of the public monitoring commission under the Justice Ministry visited a prison in Vorsha and reported that the prison was 500 inmates above capacity. Commission official Tatsyana Krauchanka said that, despite the overcrowding, prison conditions were “not bad.” She claimed that the commission visited different prisons once a quarter and paid special attention to inmates’ complaints regarding their conditions, although in most cases such complaints were dismissed as illegitimate. She concluded that prisons were not “a resort” and generally conditions were “good.”

At a press conference on April 20, Deputy Prosecutor General Alyaksei Stuk admitted that prisons and detention centers were overcrowded and conditions at times failed to meet legal norms. Stuk cited the failure to conform to space standards per inmate and a shortage of rooms for private visits as two examples. Officials also admitted that prison facilities were short of medical personnel, equipment, and medicines but claimed that all prisoners received sufficient medical care. He dismissed reports that the situation with tuberculosis was “alarming,” although he admitted that rates of infection in certain prisons were higher than the

nationwide average. In the Mahilyou region, local prosecutors reported in April that while 80 percent of prisons were overcrowded, prison administrations failed to provide adequate medical assistance to inmates only in isolated instances.

In August authorities reported that of the 50,000 inmates held nationwide, approximately 38,000 persons were in prisons and 7,380 were in pretrial detention facilities. Approximately 4,500 other persons were held in a form of internal exile known as "khimiya." Persons sentenced to khimiya were allowed to work outside of detention facilities but were required to return to prison barracks where they lived under strict conditions and supervision.

According to NGOs and former prisoners, authorities routinely abused prisoners. Former prisoners credibly reported that their complaints to higher authorities were often censored or not forwarded by prison officials, and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Complaints could result in retaliation against prisoners who spoke out, including humiliation, death threats, or other forms of punishment. For example, in August a former prisoner at the Hlybokae high security prison stated that guards beat and abused inmates after prisoners complained about their conditions and sought a meeting with the prosecutor general. Two prisoners began a hunger strike. The Internal Affairs Ministry dismissed as false the reports of disturbances at Hlybokae prison. On October 20, the Vitsyebsk regional prosecutor reported that a probe into the beatings established that use of force against inmates was justified "to restore order" in jail after inmates put forward "illegitimate demands" and injured themselves.

Prisoners and detainees had limited access to visitors, and denial of meetings with families was a common punishment for disciplinary violations. Political prisoners were often denied meetings with families as a means of pressure and intimidation. For example, political prisoner and former presidential candidate Dzmitry Uss' scheduled three-day visit with his wife in September was unexpectedly shortened to one day.

Credible sources maintained that prison administrations turned other inmates against political prisoners for purposes of intimidation and to compel confessions. They also reported that authorities neither explained nor protected their legal rights and penalized inmates for any minor violation of the "internal regime." For example, on June 17, Mikita Likhavid, convicted of participating in postelection demonstrations, was placed in solitary confinement for the fourth time in 40 days. The harsh conditions in solitary confinement reportedly included denial of

bedding, lack of time outdoors, and sleep deprivation. Authorities refused to provide warm clothing, despite the frequently low temperatures in the cells.

On September 16, independent media reported that the UN Committee on the Elimination of Discrimination against Women upheld a complaint by opposition activist Inha Abramava regarding conditions at a detention center in Brest. She filed an individual complaint in 2008 after local courts rejected her complaints regarding discriminatory conditions at the detention center that had only men on its staff. She claimed that she was subject to sexual harassment by guards who also attempted to incite violent inmates against her.

Although the law provides for freedom of religion, and there were no reports of egregious infringements, prisoners generally were prevented from holding religious services and performing rituals that did not comply with prison regulations. Zmitser Dashkevich, a Malady Front leader preemptively detained a day before the December 19, 2010 elections and later convicted on politically motivated charges, told his lawyer that prison administration officials forbade him to have the Bible and forced him to speak Russian instead of Belarusian in response to commands from prison guards.

Corruption in prisons was a serious problem, and observers noted that the outcome of parole applications often depended on bribes to prison personnel.

While authorities claimed to conduct periodic investigations and monitoring of prison and detention center conditions, human rights groups asserted that such inspections--even if they did occur--lacked any credibility. There was no ombudsman who could serve on behalf of prisoners and detainees; human rights advocates who were not members of state-controlled bar associations had no access to prisoners and detainees, and could not provide them with legal counsel.

Authorities did not permit independent monitoring of penal institutions. Despite numerous requests to the Ministries of Internal Affairs and Justice, government officials continued to refuse to meet with human rights advocates or approve requests to visit detention facilities. There were no reports during the year of independent monitoring of prison conditions by domestic or international human rights groups, independent media, or the International Committee of the Red Cross.

d. Arbitrary Arrest or Detention

The law limits arbitrary detention; however, the government did not respect these limits in practice. Authorities continued to arrest individuals for political reasons and to use administrative measures to detain political activists before, during, and after protests.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs exercises authority over the police, but the KGB, the financial investigations department under the State Control Committee, and the presidential security services also exercise police functions. The president also has the authority to subordinate all security bodies to his personal command. Impunity among law enforcement personnel remained a serious problem. Individuals have the right to report police abuse to a prosecutor; however, the government often did not investigate reported abuses or hold perpetrators accountable.

Arrest Procedures and Treatment While in Detention

By law police must request permission from a prosecutor to detain a person in excess of three hours; in practice these procedures were usually ignored, and police routinely detained and arrested individuals without warrants. Authorities may hold a criminal suspect for up to 10 days without filing formal charges and for up to 18 months after filing charges. Under the law prosecutors, investigators, and security service agencies have the authority to extend detention without consulting a judge. Detainees have the right to petition the legality of their detention, but in practice appeals by suspects for a court review of their detention frequently were suppressed or ignored.

Arbitrary Arrest: During the year authorities routinely detained or arrested hundreds of individuals, including opposition figures, members of the independent media, social media activists, and civil society activists, for reasons widely considered to be politically motivated.

For example, during the June-September “silent” demonstrations organized via Internet, police detained more than 2,000 persons for participating in an unsanctioned demonstration and sentenced them to large fines or up to 15 days of administrative detention. People were arrested for little more than walking or clapping their hands.

On October 6, police arbitrarily detained prominent sociologist and independent pollster Aleh Manayeu for three hours to impede his presentation of polling results

to the Minsk diplomatic corps. At a press conference on October 7, Lukashenka stated that police apprehended Manayeu over alleged possession of drugs; however, he subsequently was released without charge.

On October 8, opposition and trade union leaders staged rallies called "people's assemblies" across the country to protest the government's ineffective economic policies. Prior to the event police detained and warned a number of activists against participating in unsanctioned rallies. On October 13, police detained Viktar Ivashkevich, the main organizer of the assemblies. Following a seven-hour hearing, a Minsk district court fined him 1.4 million rubles ($169) for violating mass events regulations.

Pretrial Detention: Authorities may hold a criminal suspect for up to 10 days without filing formal charges. Prior to being charged, the law provides detainees with no access to their families or to food and medical supplies from outside the detention facility. In an effort to maximize pressure on such detainees, police routinely held persons for the full 10-day period before charging them.

Police often detained individuals for several hours, ostensibly to confirm their identity, and then released them without charges. Police and security forces frequently used this tactic to detain members of the opposition and demonstrators, to prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings and events.

Following the December 2010 demonstrations, authorities detained a number of leading supporters of opposition parties, including seven presidential candidates. Five candidates subsequently were charged with and convicted of "organizing and leading mass disturbances" or other charges. Authorities delayed pressing charges for the maximum legal period of 10 days. A number initially were denied access to their lawyers on the pretext that no rooms were available for such consultations.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, Lukashenka and his government did not respect judicial independence in practice. Corruption, inefficiency, and political interference with judicial decisions were widespread. Prosecutors and courts convicted individuals on false and politically motivated charges, and senior leaders and local authorities dictated the outcomes of trials.

According to the latest available report by a UN special rapporteur, prosecutors wield "excessive and imbalanced" authority because they may extend detention without the permission of judges. The 2006 report also noted an imbalance of power between the prosecution and the defense. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because technical expertise was under the control of the Prosecutor's Office. According to many defense attorneys, these imbalances of power persisted throughout the year, especially in politically motivated criminal and administrative cases. In very few cases during the year were criminal defendants exonerated.

By presidential decree bar associations are independent; however, in practice they remained subordinate to the Ministry of Justice. Lawyers must be licensed by the ministry, are required to work in regional bar associations, and must renew their licenses every five years. The law prohibits attorneys from engaging in private practice, although private legal companies are allowed to provide legal assistance and advice to private companies and represent their clients in economic courts.

During the year authorities revoked the licenses of at least nine attorneys who represented prominent opposition leaders, civil society activists, and independent journalists arrested on or after December 19, 2010, for activities related to the defense of their clients. In a notice posted on its Web site in January, the Justice Ministry charged that "certain lawyers" who were defending individuals facing criminal charges, including the presidential candidates, were committing "gross violations" of the rules of professional ethics for lawyers as well as of the country's laws. The ministry accused the lawyers of distorting information about the investigations of their clients, their state of health, and their conditions of detention. Subsequently, the ministry announced that all licensed lawyers, excluding junior staff, had to pass extraordinary performance reviews to renew their licenses. As a result of this review, attorneys defending key presidential candidates and activists were disbarred. On January 4, a lawyer in Hrodna lost her license for participating in postelection demonstrations. The BHC reported that additional lawyers engaged to defend arrested activists were suspended for indefinite periods. On October 22, authorities removed Alyaksandr Pylchanka, the head of the Minsk city bar association, who openly spoke against debarring lawyers and said that the situation threatened the independence of the bar.

Trial Procedures

The law provides for the presumption of innocence. However, because of the lack of judicial independence and government use of official media to report on trials, and also due to practices that limit a defendant's right to self-defense in court, the burden of proof was in practice frequently on defendants.

The law also provides for public trials; however, trials occasionally were closed and frequently were held in judges' offices, where attendance was severely limited. Judges adjudicate all trials; there is no system of trial by jury. For the most serious cases, in a throwback to the Soviet past, two civilian advisers assist a judge.

Government-controlled media frequently conducted propaganda campaigns declaring the guilt of suspects prior to trial and revealing alleged materials from ongoing investigations designed to demonstrate further the "guilt" of persons awaiting trial. For example, in January following the postelection demonstrations in December 2010, state television broadcast a documentary called *The Square: When Metal Hits Glass*, which purported to demonstrate that leading members of the opposition had plotted a violent coup with help from abroad. The documentary also claimed that Uladzimir Nyaklyaeu was attacked by rivals within the opposition, rather than by security forces. On January 14, the government-run newspaper *Sovietskaya Bielorussiya* published an article purporting to reveal documents demonstrating that leaders of the opposition were plotting to overthrow the government with support from abroad.

The law provides defendants the right to attend proceedings, to confront witnesses, and to present evidence on their own behalf; however, in practice authorities did not always respect these rights. During the year numerous opposition politicians and NGO leaders were tried and convicted without being permitted to be present at their trials. For example, a Minsk district court notified a Mahilyou-based opposition activist on January 13 that she had been fined 1.05 million rubles ($127) in absentia for her participation in the December 2010 postelection demonstrations. On September 7, a court in Horki sentenced Malady Front activist Ivan Shyla in absentia to 20 days' imprisonment for demonstrating in front of a prison on August 2 in support of his detained associate, Zmitser Dashkevich.

The law provides for access to legal counsel for detainees and requires that courts appoint a lawyer for those who cannot afford one; however, at times some detainees were denied access to a lawyer and at other times, to a Belarusian-language interpreter if they requested hearings in that language. Most judges and prosecutors were not fluent in Belarusian and rejected motions for interpreters. The law provides for the right to choose legal representation freely; however, a

presidential decree prohibits NGO members who are lawyers by training from representing individuals other than members of their organizations in court. The government's disbarment of at least nine attorneys who represented political opponents of the regime limited defendants' choice of counsel in high-profile political cases.

Those charged in connection with the December 2010 demonstrations had very limited access to lawyers, and authorities did not allow any of the detainees to meet in private with their lawyers at holding facilities. Some lawyers openly stated that authorities obstructed their seeing clients. For example, attorney Tamara Sidarenka, who represented presidential candidate Uladzimir Nyaklyaeu, was allowed only two visits with her client over the course of 50 days. She reported that lawyers were required to wait in line outside of the KGB detention center and often were sent away after being told that no meetings rooms were available.

Courts often allowed information obtained by use of force and threats of bodily harm during interrogations to be used against defendants.

Defendants have the right to appeal court decisions, and most defendants did so. However, appeals courts upheld the verdicts of the lower ones in the vast majority of cases, including in all criminal cases in connection with postelection demonstrations.

Between March and May, more than 50 opposition leaders, including six 2010 presidential candidates, their aides and campaign staffers, activists, and independent journalists were put on trial or faced charges for allegedly organizing, leading, or participating in "mass disturbances," or in activities that "violated public order." Independent observers and human rights advocates concluded that prosecutors failed to present any credible evidence of criminal acts by the defendants, and guilty verdicts in these politically motivated trials were largely based on fabricated testimony by prosecution witnesses. Local and international human rights groups alleged that authorities orchestrated a "storming" of the main government building as a pretext for a broader crackdown on civil society, political opposition, and independent media. The prosecution's witnesses for all trials were approximately 30 police officers who purportedly were injured during the demonstrations, although observers noted numerous discrepancies in the medical records presented by the officers in court. Independent trial observers reported that witnesses gave scripted (and nearly identical) testimony at the various trials but often failed to appear in court for subsequent hearings, citing illness or vacation. Videos shown in court were edited extensively.

The prosecution overtly pressured low-profile defendants to testify against presidential candidates and accuse the candidates of having planned and led the riots. During the trials several defendants recanted incriminatory statements they previously had made under physical duress or threat of torture during police investigations. One defendant claimed at trial that investigators promised him the investigation against him would be dropped and he would be released if he was willing to testify that the presidential candidates had paid him to take part in the demonstrations. When he refused, police brought criminal charges of participating in mass disturbances against him.

One of the leading opposition presidential candidates on trial, Andrei Sannikau, stated that KGB head Vadzim Zaytsau blackmailed him by threatening the lives of his wife and four-year-old son and that investigators coerced him to sign scripted statements. At a trial of candidate Uladzimir Nyaklyaeu, prosecutors played telephone conversations between presidential candidates and their aides that were taped during the presidential campaign, months before the demonstrations and criminal investigations against the activists. A deputy general prosecutor reportedly sanctioned the wiretapping, and judges disregarded defense lawyers' motion to hear the taped materials, including private conversations, behind closed doors.

Political Prisoners and Detainees

During the year authorities filed criminal charges against persons from the political opposition, human rights and civil society groups, and independent media organizations in connection with the large-scale demonstration in Minsk on the night of December 19, 2010. Following trials that failed to conform to international standards, most of these political prisoners were convicted of the crimes of organizing or actively participating in "mass disturbances" or "activities that severely violated public order." In many of the cases the authorities did not allow prisoners to meet with lawyers, family members, embassies, or prison monitoring groups.

During the year there were 53 political prisoners in Belarus. Of these, 46 were convicted and sentenced to imprisonment, partial house arrests, large fines, or khimiya. Some were given suspended sentences. Charges against six were dropped, and one presidential candidate against whom charges were not dropped fled abroad. Later, 25 of those convicted were pardoned; many of them faced pressure by authorities to sign petitions to be pardoned, while some were simply

released. At year's end eight political prisoners remained in jail, including two presidential candidates, Mikalai Statkevich and Andrei Sannikau. Many of those in jail reportedly faced maltreatment and severe pressure.

All politically motivated trials ended during the year. During April and May, 46 activists, including five presidential candidates, were convicted, while authorities dropped criminal charges against six more activists, including one presidential candidate. Candidate Ales Mikhalevich fled the country. Of those convicted, candidate Mikalai Statkevich received the longest jail term of six years in high security facilities, and two candidates Uladzimir Nyaklyaeu and Vital Rymasheuski along with six other activists received suspended sentences of up to two years.

Candidate Andrei Sannikau was sentenced to five years in jail, and candidate Dzmitry Uss to five and a half years. Rymasheuski's aide Paval Sevyarynets received a sentence of three years of internal exile. Most other activists received up to four years in a high security jail. Sannikau, Statkevich, Dzmitry Bandarenka (Sannikau's aide), and Sevyarynets continued to serve their sentences at year's end. Lukashenka pardoned other political prisoners in August-October except those who received suspended sentences. Prisoners were often pressured to appeal for pardon.

Authorities also convicted Malady Front leader Zmitser Dashkevich and Malady Front activist Eduard Lobau, two opposition youth activists preemptively detained on December 18, 2010, on politically motivated charges of "severe hooliganism." Human rights groups believed the sentences were directly related to the December 19, 2010, postelection demonstrations and crackdown. Dashkevich was sentenced to two years and Lobau to four. Both remained in jail at year's end.

On May 27, a court convicted five members of an anarchist group for a series of Molotov cocktail attacks on various facilities in Minsk, including the Russian embassy compound, the Defense Ministry, the offices of state-controlled trade unions, a detention center, and a bank. In a similar case in Babruisk on May 18, a court sentenced three anarchists who partially admitted their guilt to seven years in prison for attacking a local KGB office with Molotov cocktails. During court hearings the defendants stated that they were interrogated without their lawyers present and coerced into confessions after being threatened with lengthy imprisonment and harsher detention conditions. Authorities used the investigation as a pretext to detain and interrogate a range of individuals, and they reportedly threatened many of these persons and their family members with physical abuse in

order to compel their testimony against the defendants. In court several witnesses claimed the KGB forced them to testify against the activists, and some witnesses recanted their earlier statements. One witness stated that investigators beat him after his arrest and that he spent nine days in custody. Leading local human rights groups, including Vyasna and the BHC, recognized three anarchist activists sentenced to eight, four and a half, and three years in jail as prisoners of conscience.

On August 4, police arrested Ales Byalyatski, chairman of Vyasna, one of the country's leading human rights organizations, and charged him with "large-scale concealment of income and tax evasion." Byalyatski used bank accounts in Lithuania and Poland to channel NGO assistance funds to support his organization's efforts and assist persons arrested and convicted during the postelection crackdown. Authorities considered this money "income" because his NGO was prohibited by the government from being legally registered. The KGB and financial police searched Byalyatski's apartment and summer cottage as well as the office housing Vyasna. Authorities also charged Byalyatski's deputy, Valyantsin Stephanovich, with tax evasion under the civil code. On December 16, a court in Minsk upheld the district tax office's suit against Stephanovich and ordered him to pay a total of approximately 54.4 million rubles ($6,570) in overdue taxes and penalties.

During the year Vaukavysk entrepreneur and anticorruption activist Mikalai Autukhovich remained in prison, having been convicted of illegal weapons' possession in 2010. Amnesty International and other human rights groups recognized Autukhovich as a political prisoner.

Civil Judicial Procedures and Remedies

The law provides that individuals can file lawsuits seeking damages for, or cessation of, a human rights violation; however, the civil judiciary was not independent and was rarely impartial in such matters.

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

The law prohibits such actions; however, the government did not respect these prohibitions. Authorities used wiretapping, video surveillance, and a network of informers to deprive persons of privacy to express dissenting political views.

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

The law requires a warrant before, or immediately after, conducting a search; however, the KGB and riot police entered homes, conducted searches, and read mail without warrants. The KGB has the authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals. In numerous instances authorities searched residences and offices for apparent political reasons.

Following the December 2010 postelection protest, authorities raided the offices and homes of hundreds of opposition leaders, democratic activists, independent journalists, and civil society organizations across the country during two months or more. In most instances police seized electronic equipment and paper files. For example, on January 5, the KGB raided the offices of the BHC and seized computers and servers. KGB officers also searched the residence of BHC Director Aleh Hulak. On January 14, on the basis of allegations that the office was used during Sannikau's presidential campaign, police raided the Minsk-based offices of the independent Trade Union of Electronic Industry Workers for more than five hours and seized computers. On January 19, police raided the offices of the Center for Human Rights and seized three computers; the KGB concurrently searched the apartment of the center's chairwoman, Raisa Mikhailouskaya.

Security forces continued to target prominent opposition and civil society leaders with arbitrary searches and interrogations at border crossings and airports. For example, on July 2, Stanislau Shushkevich, leader of the Hramada Social Democratic Party and former head of state, and a group of 12 students from the Vilnius-based European Humanities University, were taken off a train and detained for more than six hours at the Lithuanian border. Border guards detained the students on suspicion of drug smuggling, photographed them, and warned against participating in unsanctioned protests. Border guards did not give Shushkevich any explanation for his detention. All were released without charge.

The law prohibits authorities from intercepting telephone and other communications without a prosecutor's order. In practice authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups reported that authorities monitored their conversations and activities.

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

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

There were numerous reports that the government employed a number of means to coerce young persons, including university students and military conscripts, to join the state-funded Belarusian Republican Youth Union (BRYU) with a reported membership of 500,000 persons. To this end the government reportedly employed a widespread system of BRYU civilian patrol squads whose objective was to recruit youths and students for various projects around the country in the name of good citizenship.

During the year authorities continued to harass family members of NGO leaders and civil society and opposition activists, including political prisoners. For example, on January 13, KGB officers prevented Milana Mikhalevich, spouse of political prisoner and presidential candidate Ales Mikhalevich, from going to Poland for hearings on Belarus. They first detained her by conducting a lengthy search of her residence and later stopped her vehicle on the way to Warsaw with the warning that she was banned from traveling out of the country and would be turned away at the border.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government did not respect these rights in practice and enforced numerous laws to control and censor the public and the media. Moreover, the all-dominant state press almost exclusively propagated views in support of Lukashenka.

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

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

Freedom of Press: The government restricted press freedom and censored the media. Authorities warned, fined, detained, interrogated, or jailed members of the media and harassed bloggers who publicly criticized the government. Under the law the government may close a publication after two warnings in one year for violating a range of restrictions on speech and the press. In addition regulations give authorities arbitrary power to prohibit or censor reporting. The Information Ministry can suspend 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.

The Information Ministry continued to deny registration to many independent media outlets, i.e., privately owned media perceived to be publishing information independently of government control. In spite of the lack of registration, independent media, including newspapers, magazines, and Internet news Web sites, sought to provide objective and independent coverage of events. However, they operated under repressive media laws, and most faced discriminatory publishing and distribution policies.

State-owned media, which was extremely biased and served as a propaganda arm of the regime, dominated the information field and maintained the highest circulation through generous subsidies and preferences. There is no country-wide private television. The state-owned postal system, Belposhta, and the state-owned kiosk system, Belsayuzdruk, continued to refuse to deliver or sell at least 10 independent newspapers that covered politics.

Although authorities continued to allow the circulation of *Narodnaya Volya* and *Nasha Niva*, two national independent newspapers, through state distribution systems, they remained subject to restrictions and financial penalties. For example, in January Belsayuzdruk refused to increase the number of *Nasha Niva* copies available for sale despite high demand for the newspaper. On July 29, the Minsk city economic court fined *Nasha Niva* 14 million rubles ($1,690) for receiving two warnings during the year. On August 8, the Supreme Economic Court fined the *Narodnaya Volya* the same amount on similar charges.

International media continued to operate in the country but not without interference and prior censorship. Euronews and the Russian channels First Channel, NTV, and RTR were generally available, although only through paid cable services in many parts of the country. At times authorities blocked, censored, or replaced their news programs with local programming. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually along the border.

On May 27, Lukashenka criticized Russian media for helping provoke an "artificial" economic crisis. On June 13, presidential Chief of Staff Uladzimir Makei dismissed what he called speculation about a ban on Russian media in the country as "complete nonsense." Conversely, Makei charged that Russian authorities disregarded "flagrant violations of Belarusian laws and journalistic code of ethics by a number of Russian media outlets."

Violence and Harassment: Authorities continued to routinely harass, arrest, and assault journalists.

Security forces arrested seven members of the Belarusian Association of Journalists (BAJ), who later were convicted of "participating in mass disturbances" or organizing activities that "violated public order" as a result of their work on presidential campaigns. These included Sannikau spokesman Alyaksandr Atroshchankau, sentenced to four years in jail in March and pardoned in September; Sannikau aide Zmitser Bandarenka, sentenced to two years in jail; Nyaklyaeu aides Alyaksandr Fyaduta and Syarhei Vaznyak, both given two-year suspended sentences; Rymasheuski aide Paval Sevyarynets, sentenced to three years of internal exile; independent journalist and Sannikau's wife Iryna Khalip, given a two-year suspended sentence; and editor of the Charter97 Internet portal Natallya Radzina, who was charged, released from pretrial holding facilities on her

own recognizance, and fled the country in March. Authorities dropped charges against Radzina in August.

On December 19, 2010, police detained at least 15 local journalists, all members of the BAJ, and at least five foreign correspondents. Mariya Antonova of Agence France Presse was detained overnight. Twenty-two other local and foreign journalists reported being the victims of physical violence during the police crackdown. These included Michael Schwirtz and James Hill of the *New York Times*, Anton Kharchenko and Victor Filyaev of television channel Russia Today, and Hanz Cezarek, a photojournalist for the Austrian Internet-based news service *news.at.* At least 11 local independent journalists were jailed for up to 15 days for participating in an unsanctioned demonstration.

In the weeks following the December 2010 crackdown, authorities raided offices of media organizations, including the Minsk office of Poland-based European Radio for Belarus (ERB), the Minsk office of Poland-based Belsat TV, and *Nasha Niva*. Security forces also raided the residences of at least 12 journalists in search of videos, photographs, or printed materials related to postelection demonstrations. During their search of the ERB offices, police removed all employees from the premises and then seized more than 50 pieces of office and studio equipment, leaving little but tables and chairs behind. In anticipation of the raid, Belsat staff had vacated their premises several days earlier. Between December 19, 2010, and late February, police seized at least 114 pieces of office and studio equipment from media outlets and independent journalists around the country.

On January 26, Internal Affairs Minister Anatol Kulyashou claimed that police raided the homes and offices of journalists in a manner consistent with the law and had not used violence against reporters during the postelection crackdown. He also claimed that a journalist had assaulted a police officer with a video camera.

Security forces continually hampered efforts of independent journalists to cover “silent” and other protests in Minsk. During the year more than 80 independent journalists were detained for their coverage of “silent” protests across the country. Thirty journalists petitioned the Office of the Prosecutor General to probe the arrests of their colleagues during the “silent” protests. In response, the prosecutor general sent a letter to the interior minister urging him to have police comply with the media law, which allows journalists to attend and report on public demonstrations. The letter also noted that police were entitled to temporarily limit or ban access of individuals, including journalists, to some places and even have them leave such places for personal and public security reasons. The BAJ

welcomed the prosecutor general's statement in July that police officers should be punished if they impeded journalists covering protests; however, according to press reports no sanctions against police followed.

Routine harassment of journalists was also common. For example, on March 25, police detained BelaPAN news agency correspondent Uladzimir Laptsevich and BAJ member Dzmitry Salauyou at a Freedom Day demonstration. Three days later, a court in Mahilyou convicted the two of using obscenities and resisting police orders. Laptsevich was sentenced to seven days in jail, and Salauyou received five days. Authorities refused Laptsevich's request for trial proceedings to be conducted in Belarusian or for an interpreter to be present.

On June 15, Hrodna-based journalist Ihar Bantsar was jailed for five days on charges of minor hooliganism. Police arrested Bantsar just outside his home on June 14 to prevent him from attending his associate Andrzej Paczobut's court hearing.

Authorities also harassed and obstructed the work of foreign journalists. Following the crackdown on civil society, political opposition, and independent media in the wake of the December 2010 postelection demonstrations, a number of journalists reporting for international media were detained, interrogated, searched, and threatened with prosecution for their coverage of political events and ongoing criminal investigations. For example, on February 16, authorities questioned Belsat correspondent Tatsyana Bublikava about her cooperation with foreign media. On February 28, the prosecutor general issued her a warning that she could face liability for working without accreditation.

On March 28, the Foreign Ministry recalled the newly issued accreditation of Russian journalist Aleksandr Lashmankin, editor in chief of the Samara-based Svoboda news agency. Authorities detained him upon arrival in Vorsha on March 24, and jailed him for three days on charges of disorderly conduct. On May 30, police arrested Russian "Dozhd" television channel correspondent Rodion Marinichev after he interviewed political prisoner Iryna Khalip. Officers confiscated his materials, deported him, and banned him from the country for five years.

On June 27, two BBC journalists were notified by the Belarusian embassy in London that their visas were cancelled and they could not travel to Belarus despite being accredited by the Foreign Ministry. Citing a right not to give an explanation

for cancellation, embassy officials advised the journalists against applying for visas "in the near future."

Censorship or Content Restrictions: The vast majority of publications were forced to exercise self-censorship. The government tightly controlled the content of domestic broadcast media. Local independent television stations operated in some areas and reported local news; however, most were under government pressure to forgo reporting on national issues or risk censorship. Authorities frequently pressured such stations into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups that met with foreign diplomats.

In 2009 Lukashenka again stated that control of radio and television stations was a high priority for the government and that private stations would not be allowed to operate in the country. He dismissed concerns about closing Russian channels. Following the December 2010 postelection demonstrations, Lukashenka threatened journalists, saying they would be held "fully responsible for every word."

In June Minsk authorities discontinued broadcasting Russian popular entertainment channel TNT known for satirical and critical jokes about Lukashenka.

Only the state-run radio and the state-run television networks were allowed to broadcast nationwide. The government continued to use its monopoly of television and radio broadcasting to disseminate its version of events and minimize all opposing viewpoints. State television apparently coordinated its propaganda documentaries with the country's security services, as evidenced by the use of surveillance footage and wiretaps transcripts in broadcasts. Authorities banned state media and radio from citing works and broadcasting music by independent local and well-known foreign musicians, artists, writers, and painters who were named on an alleged "black list."

Local authorities frequently warned independent editors and journalists to avoid reporting on certain topics and not to criticize the government. Authorities harassed bloggers for the same reasons. Authorities also warned businesses not to advertise in newspapers that criticized the government. As a result independent media outlets operated under severe budgetary constraints. During the year the Ivatsevichy-based independent newspaper *Gazeta Dlia Vas* was forced to close due to reduced advertising.

Journalists reporting for international media that gave extensive coverage to the country, such as the Warsaw-based independent satellite channel Belsat TV and the Polish radio station Radio Racyja, continued to receive warnings from the Prosecutor's Office for working without accreditation. After enactment of the new media law, authorities sent warnings to at least 24 independent journalists.

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

For example, in April police arrested Andrzej Paczobut on charges of slandering and insulting the president. On July 5, a court in Hrodna convicted him of slander in a closed-door proceeding and sentenced him to a three-year suspended sentence, with two years of probation. He was acquitted of the charge of insult. Paczobut also was prohibited from leaving the country. On September 20, a higher court rejected his appeal.

In June Lida-based blogger Yauhen Kutsko was fined 700,000 rubles ($85) after a court convicted him of slandering the then chairman of the Lida regional government. Following the publication of the offending article on his blog at the end of 2010, Kutsko was dismissed from his job and remained unemployed at year's end.

Authorities also frequently cited national security as grounds for censorship of media. On January 12, authorities closed popular independent radio station Autoradio, claiming that it broadcast "public calls for extremist activities" by broadcasting legal campaign advertisements for presidential candidate Sannikau. Autoradio's multiple legal appeals to resume broadcasting were denied.

After an explosion at a Minsk subway station on April 11, authorities issued at least nine warnings to independent journalists and media outlets for disseminating "unfounded information regarding the tragic event at the subway" and "speculations that discredit the Belarusian state and public." *Nasha Niva* and *Narodnaya Volya* were among the warned outlets, and KGB officers interrogated *Nasha Niva* editor in chief Andrei Skurko on April 18 and forced the newspaper to remove a video of the explosion site from the newspaper's Web site.

Publishing Restrictions: The government took numerous actions during the year to limit the independent press, including limiting access to newsprint and raising the cost of printing presses. Several independent newspapers, including *Vitsyebski Kuryer* and *Tavarysch*, printed materials in Russia because domestic printing presses (almost all of which were state-owned) refused to print them. *Tavarysch* subsequently was forced to suspend publication due to financial constraints. Both newspapers remained out of circulation in the country at year's end. Other independent newspapers, such as *Salidarnasc*, *BDG*, and *Bobruysky Kuryer*, disseminated Internet-only versions due to printing and distribution restrictions.

Conversely, authorities provided robust support for government-controlled media. On August 26, authorities pledged that 25 state-owned publications would receive more than 400 billion rubles ($48 million) in subsidies to cover printing costs, the purchase of paper, and salaries for staff. On August 23, Information Minister Aleh Pralyaskouski said that state newspapers were more popular "than so-called opposition publications and numbers of their subscribers could not even be compared."

During the year the government confiscated numerous independent and opposition newspapers and seized leaflets and other materials deemed to have been printed illegally. For example, on March 21, police briefly detained distributors of the independent newspaper *Novy Chas* in central Minsk and in Slutsk, confiscating more than 200 copies of the newspaper.

Internet Freedom

The government continued to restrict access to the Internet and actively monitored e-mail and Internet chat rooms. While individuals and groups were generally able to engage in the peaceful expression of views via the Internet, including by e-mail, all who did so risked legal and personal repercussions. Opposition activists faced the likelihood that their e-mails and other Web-based communications would be monitored.

The authorities monitored Internet traffic. By law the telecommunications monopoly, Beltelekam, and other organizations authorized by the government have the exclusive right to maintain Internet domains.

In July 2010 Lukashenka issued an edict that requires registration of service providers and Internet Web sites, establishes restrictions on access to sites containing "extremist activity" (which many activists believed could be interpreted

to include government opponents), and requires the collection of information on users at Internet cafes. It requires service providers to store data on the Internet use of individuals for a year and to provide that information to law enforcement agencies upon their request.

The edict restricts access to Web sites whose content includes "extremist activities"; materials related to illicit weapons, explosives, and drugs; trafficking in persons; pornography; and promotion of violence. It requires service providers to eliminate access to these subject areas from government offices, educational facilities, and cultural institutions if ordered to do so by the KGB, prosecutor general, the presidential administration's Operation and Analytical Center, and other state agencies. According to credible sources, the list, which was not released publicly, contained approximately 60 Web sites, including opposition portals Charter97 and Belarusian Partisan. Internet service providers are required to update the list on a daily basis. Decisions to restrict access to Internet sources may be appealed to the courts. In addition to restrictive actions, authorities made frequent statements during the year on the need for further control of the Internet.

On June 17, Lukashenka attempted to justify limitations on Internet access nationwide, stating he was "fine with the Internet" but claiming that he had to "get engaged [in Internet monitoring] to protect our stability, security, and the country." On August 29, he ordered the government to restrict students' access to "destructive" Web sites, including social networking portals, at educational institutions. The day after the December 2010 demonstrations, Lukashenka pledged to "reform the Internet," which he asserted was used to "mock authorities and the people."

State companies and organizations, which included the workplaces of 80 percent of the country's workers, reportedly had Internet filters. On occasion government providers blocked independent and opposition Web sites during major political events. In response to the government's interference and Internet restrictions, many opposition groups and independent newspapers switched to Internet domains operating outside the country. The few remaining independent media sites with domestic "BY" (Belarus) domains practiced self-censorship.

On several occasions during the year, cyberattacks of unknown origin led to the temporary disabling of independent news portals and social networking sites, including the following: Web sites of Charter97, independent news agency BelaPAN, Radio Liberty, Belarusian Partisan, Vyasna, Belarusian Christian Democracy, electroname.com, citizenby.org, *Salidarnasc*, Twitter, Facebook, and

LiveJournal. In June an Internet-organized group known as "Revolution through Social Networks" created a page on the popular Russian social networking Web site "Vkontakte.ru," which called for "silent" demonstrations to take place in public spaces around the country. As these protests gained attention and broader public support, Internet users reported being unable to access Vkontakte.ru for several hours before the "silent" protests were to take place. There were also reports of users being redirected to fake mirror Web sites that attempted to collect users' full names and other personal information.

The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists. For example, during raids in January and February, investigators hacked personal passwords to access e-mails, Skype records, and other materials, to read decoded files, and to retrieve deleted information on the computers confiscated from independent journalists and postelection demonstration participants and activists. Also, some family members of political prisoners reported that their accounts were hacked.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of Belarus under the leadership of Lukashenka. Use of the word "academic" was restricted; NGOs were prohibited from including the word "academy" in their titles. Opportunities to receive a higher education in the Belarusian language in the majority of fields of study were scarce. Administrations of higher educational institutions made no effort to accommodate students wishing to study in Belarusian-language classes.

In 2009 Deputy Education Minister Tatsyana Kavalyova stated that ideology remained "the backbone" of education in the country and gave "special flavor to the educational environment." She also noted that every educational institution maintained an ideology department. In March the presidential administration first deputy, Alyaksandr Radzkou, stated that ideology played a crucial role in shaping an individual.

During the year authorities harassed, intimidated, and dismissed teachers on political grounds. For example, on April 25, the Minsk regional court upheld a lower court's decision to reject former history teacher Natallya Illinich's appeal of her dismissal from a school in Talka. On January 5, KGB and police searched Illinich's house and seized computer equipment and printed materials. She served

as a presidential election observer and collected signatures in support of opposition candidates. The school principal dismissed her on January 27, disregarding a petition on her behalf signed by students and parents.

On June 2, administrators of an art school in Mahilyou fired music teacher Katsyaryna Kastusyova, daughter of presidential candidate Ryhor Kastusyou and a member of his campaign team. Officials claimed that her dismissal was performance-related and not politically motivated.

Government-mandated textbooks contained a heavily propagandized version of history and other subjects. All schools, including private institutions, were obligated to follow state directives to inculcate the official ideology and could not be led by opposition members. The education minister has the right to appoint and dismiss the heads of private educational institutions.

The BRYU urged university students to join the BRYU in order to receive benefits and dormitory rooms. Local authorities also pressured BRYU members to campaign on behalf of government candidates. In addition authorities at times pressured students to act as informants for the country's security services.

High school students feared that they would not be allowed to enroll in universities without BRYU membership, and university students reported that proof of BRYU membership was often required to register for popular courses or to receive a dormitory room. Universities also offered BRYU members discounts on tuition. In 2008 former education minister Alyaksandr Radzkou stated that membership in the BRYU would be considered in new mandatory recommendations for students who wished to train for professions in foreign affairs, state administration, and journalism.

According to an Education Ministry directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must ensure the proper ideological education of students. In January authorities claimed that they would not expel students who took part in the December 2010 postelection demonstration in Minsk. The Belarus Sate University administration stated it would review written explanations submitted by students who were arrested and served short sentences before taking further action. In December 2010 Viktar Iuchankau, spokesman for the Education Ministry, asserted that students were not expelled from universities for political reasons. However, during the year at least 45 students were expelled for political reasons, compared with

three or more in 2009. Some school officials continued to cite poor academic performance or absence from classes as the official reason for the expulsions.

The government continued to ban teachers and democratic activists from promoting the wider use of the Belarusian language and the preservation of its culture. For example, citing "inexpediency," authorities in June discontinued studies in the Belarusian language at a junior high school in the town of Byaroza after four successful years. Originally more than 15 parents sent a petition to local authorities seeking their children to be taught in Belarusian.

The government also restricted cultural events. During the year the government continued to force opposition theater and music groups into such venues as bars and private apartments and to suppress unofficial commemorations of historical events. For example, on November 25, owners of a private cafe in Brest were pressed by local authorities not to provide a venue to prominent signer Lyavon Volski, who was forced to perform in a church. During the year authorities also banned a number of concerts and cultural performances by other prominent musicians and artists.

The government also restricted activities of a dissident writers union and extensively supported the progovernment Union of Writers of Belarus. On October 25, Lukashenka accused dissident writers of being obsessed with stalling "nationalism and political intrigue" and "exchanging their talent for foreign grants," and smearing "their country, insulting their people, and instigating youth to senseless rioting." He added that "renegades" were not allowed to "profane" Belarusian culture and supported the progovernment union as a "healthy creative force," noting that authorities were expecting "vibrant and talented works" from them.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons, and denials were the norm for critical groups. Security forces frequently forcibly dispersed participants, often causing injuries.

Freedom of Assembly: The law criminalizes participation in the activities of unregistered NGOs, training persons to demonstrate, financing of public demonstrations, or solicitation of foreign assistance "to the detriment" of the country. During the year the law was amended to also prohibit the announcing of demonstrations, especially via the Internet or social networks, before they are approved by authorities. Violations are punishable by up to three years in prison.

Authorities employed a variety of means to discourage demonstrations, break them up, to minimize their impact, and punish the participants. Organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting, and government officials are required to respond no later than five days prior to the scheduled event. However, authorities generally refused permits to opposition groups or granted permits only for demonstrations held far from city centers. Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and imposed heavy fines or jail sentences on participants in unsanctioned demonstrations.

During the year authorities broke up scores of unauthorized demonstrations, often detaining and harassing participants. Numerous protest participants were detained, fined, and sentenced to periods of up to 15 days in administrative detention. On scores of occasions authorities fined opposition activists and members of NGOs for participating in unauthorized protests. On many occasions police and other security officials beat and detained demonstrators before, during, and after unsanctioned peaceful demonstrations.

In early June an Internet-organized group known as Revolution through Social Networks began calling for "silent" protests across the country to protest the undemocratic rule of Lukashenka. The group urged people to assemble in areas freely accessible to the public to express concern over economic and political conditions without displaying any flags or banners or political identification and without chanting any slogans.

On June 14, the prosecutor general warned against unsanctioned protests, and the Ministry of Internal Affairs spokesman claimed that protests could lead to "explosions and gunfire." On June 15, several thousand people defied the warnings and gathered in central Minsk and in approximately 20 other cities across the country. The protesters silently marched and clapped their hands. Human rights groups reported that more than 240 persons, including independent journalists, were detained around the country. The vast majority were released without charge within a few hours.

On June 22, more than 6,000 persons took part in silent protests across the country, leading to at least 460 detentions, including independent journalists. Thirty-three participants reportedly were fined up to 1.05 million rubles ($127) on the charges of "disorderly conduct."

At a large demonstration on July 3, the number of detained protesters reached nearly 400, including 20 independent journalists. Minsk police warned ahead of protests that individuals would be "allowed to clap freely" only during the July 3 official Independence Day parade, thus apparently criminalizing a major tactic of the "silent protests." The majority of the detained on July 3 were sentenced to up to 15 days in jail; others received fines up to 1.05 million rubles ($127). On July 6, more than 2,500 persons gathered for silent protests in 35 localities across the country. Police detained 400 persons, including 28 independent journalists. Administrative courts convicted 193 activists of "disorderly conduct," and the majority served 15 days in jail. The rest were fined up to 1.05 million rubles ($127).

After organizers of "silent" protests announced that the next rally would take place on September 21, police conducted a number of preventive arrests and "preventative talks" with activists throughout the country. A number of universities scheduled their classes for late evenings to prevent students from participating in demonstrations. No detentions were reported on September 21.

In the wake of the December 2010 postelection demonstration, security officers continued to harass and jail activists who protested police actions on that night. For example, on January 13, a court in Minsk fined Polish minority activist and journalist Andrzej Paczobut 1.75 million rubles ($211) for participating in unsanctioned postelection demonstrations. Police searched his residence in Hrodna and transported him for proceedings in Minsk a day earlier. The judge dismissed Paczobut's statements that he was covering the demonstration as part of his professional duties. On January 31, European Belarus campaign members Katsyaryna Lyudvik, Paulina Kuryanovich, and Maksim Vinyarski received 10 days in jail each for participating in a peaceful demonstration in protest of police repression in front of the KGB building on January 30. Four other demonstrators, including the common-law spouse of political prisoner Mikalai Statkevich, were fined 1.05 million rubles ($127) each.

Police also used preemptive arrest and detention to prevent democratic activists' participation in protests. For example, authorities took various measures to deter

prodemocracy activists from celebrating the March 25 anniversary of the country's initial declaration of independence in 1918, an event the government does not recognize. Of at least 50 opposition activists detained on March 25, the majority were apprehended ahead of the demonstrations. Authorities blocked a number of opposition, youth, and civil society leaders in their residences early in the morning, or detained them while they were en route to demonstration sites, to prevent their leading demonstrations. Police dispersed a small gathering in central Minsk and fenced off another site at a downtown park where the activists intended to lay flowers, citing an alleged bomb threat.

On December 19, civil society activists gathered at a Catholic cathedral in downtown Minsk to mark the first anniversary of the December 2010 crackdown of postelection demonstrations and the continued detention of political prisoners. Police arrested more than 50 activists, and authorities sentenced at least 28 persons to up to 15 days in jail or fines up to 1.05 million rubles ($127) on December 20. Eight journalists were detained in Minsk and one in Vitsyebsk. Police searched their belongings and equipment and released them without charge.

Freedom of Association

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

The government enforced laws and registration regulations to restrict the operation of independent associations that might be critical of the government. All NGOs, political parties, and trade unions must receive prior approval from the Ministry of Justice to register. A government commission reviews and approves all registration applications; in practice its decisions were based largely on political and ideological compatibility with the government's authoritarian philosophy. NGOs are also required to receive the approval and to register all foreign grants and technical aid with the Department for Humanitarian Affairs under the presidential administration; otherwise, they are banned from appropriating these funds.

In November authorities enforced amendments to the already strict law on public associations that banned NGOs from keeping funds at foreign financial institutions for local activities. The law also prohibited NGOs from facilitating provision of any support or benefits from foreign states to Belarusian citizens based on their political, religious views or ethnicity, clearly aimed at the Polish minority.

Registration procedures required applicants to provide the number and names of founders, along with a physical address in a nonresidential building, an extraordinary burden given the tight financial straits of most NGOs and the fear of individual property-owners to rent space. Individuals listed as members were vulnerable to retribution. The government's refusal to rent office space to unregistered organizations and the expense of renting private space reportedly forced most organizations to use residential addresses. This allowed authorities to deregister existing organizations and deny their reregistration.

During the year the government denied registration to numerous NGOs and political parties on a variety of pretexts, including "technical" problems with applications. Authorities frequently harassed and intimidated individuals who identified themselves as founding members of organizations in an effort to induce them to abandon their membership and thus deprive groups of the number of petitioners necessary for registration. Many of the rejected groups previously had sought and been denied registration on multiple occasions. The government continued deregistering groups during the year. For example, after Center for Developing Volunteerism founder Mikalai Kvantaliyani filed for registration in March, KGB officers attempted to recruit him as an informant in exchange for unimpeded registration and possibilities to receive foreign donations. When Kvantaliyani refused and voiced his concerns to media, the Justice Ministry denied registration.

On February 28, the Supreme Court upheld the Justice Ministry's October 2010 denial of a registration application by the Belarusian Christian Democracy party on the grounds that the party allegedly had provided false information about its founders. This was the party's third registration attempt, and each time authorities exerted pressure on members to disavow their affiliation with the party, threatening them with dismissal from jobs, expulsion from universities, and criminal prosecution. Party leaders called the refusal "politically motivated," biased, and "predetermined."

On October 19, the Supreme Court upheld a denial of a registration application by the Tell the Truth movement, led by political prisoner and former presidential candidate Nyaklyaeu. The Justice Ministry refused to register the group in August, citing failure to submit a document confirming the landlord's ownership of the property intended as the group's offices. The ministry denied a previous registration application in February.

During the year the Ministry of Justice continued to issue written warnings to NGOs, political parties, and trade unions. For example, on July 28, the Supreme Court turned down an appeal by the BHC of the second warning issued on June 6 by the ministry. This warning was based on the BHC's refusal to pay taxes on technical aid received in 2004 in the framework of the EU's TACIS program (a program to promote the transition to a market economy and reinforce democracy and the rule of law), a case on which authorities took no further action. The first warning of January 12 was related to the BHC's open complaint to the UN special rapporteur on the independence of judges and lawyers on Belarus, which concerned pressure on defense lawyers in the postelection criminal case. The ministry claimed that the human rights group distributed false information and discredited law enforcement agencies and the judiciary. By law two warnings can result in a liquidation suit against an NGO. This allowed authorities to keep the BHC in a tenuous situation and closely monitor its activities.

Harassment in the form of inspections by security officials and confiscation of political literature continued.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement, including the right to emigrate. However, the government at times restricted the right of its citizens to foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons of concern.

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

The law also requires persons who travel to areas within 15 miles of the border to obtain an entrance pass.

Foreign Travel: The government maintained a database of persons who were banned from traveling abroad. According to the Ministry of Internal Affairs, the list contained the names of at least 120,000 persons who were prohibited from foreign travel, including those who possessed state secrets, faced criminal prosecution or civil suits, or had outstanding financial commitments. Opposition politicians and civil society activists criticized the database, saying it restricted freedom of travel. Some persons were informed by letter that their names were in the database; others were informed at border crossings. In certain cases opposition activists either were turned away at the border or detained for lengthy searches.

For example, in November former political prisoners Dzmitry Drozd and Syarhei Kazakou, both of whom received presidential pardons in August, were turned away at the border with Lithuania without explanation. They later discovered that the database was outdated and read that they were still charged under the criminal case against postelection demonstrations participants.

Under a presidential decree, any student who wishes to study abroad must obtain permission from the Minister of Education. The decree, ostensibly intended to counter trafficking in persons, also requires the Ministry of Internal Affairs to track citizens working abroad and obliges employment agencies to report individuals who do not return from abroad as scheduled.

Exile: The law does not allow forced exile, but sources asserted that security forces threatened opposition leaders with bodily harm or prosecution if they did not leave the country. The law allows internal exile, known as khimiya, for persons convicted of crimes, and authorities employed it during the year.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Since 2006 more than 500 students have left the country to continue their studies at foreign universities. After Lukashenka pardoned political prisoners Fyodar Mirzayanau and Illya Vasilevicht in September, they left the country to study in Poland. Both were previously expelled from universities in Minsk and sentenced to three years in jail for participating in postelection demonstrations.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

While all foreigners have the right to apply for asylum, no Russian nationals received either refugee status or complementary protection in the country. Immigration authorities and courts asserted that under the terms of treaties on the union with Russia, and as a result of the equal rights of citizens in each country, Russians can legally settle and obtain residence permits in the country based on their Russian citizenship and therefore do not need asylum. Nevertheless, as of October 1, immigration authorities accepted five asylum applications from Russian citizens during the year.

Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to the authorities. Authorities reportedly often required asylum seekers to settle in rural areas. Change of residence was possible only with notification to authorities. Authorities issue registered asylum seekers certificates that serve as identification documents and protect them from expulsion. In accordance with the law, they also must register with local authorities to obtain identity documents.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and provided it to approximately six persons during the year.

In accordance with asylum legislation, aside from refugee status there is also complementary protection and "nonrefoulement protection" (in the form of temporary residence for a one-year term). During the year one person applied for extension of complementary protection (extension was granted); five persons were able to extend nonrefoulement protection for one year.

Stateless Persons

As of January 1, the UNHCR listed 7,731 stateless persons in the country.

Arbitrary detention of, and violence against, stateless persons generally were not problems. However, stateless persons faced discrimination in employment because authorities often required them to settle in rural areas and prohibited them from

seeking jobs outside of the regions where they lived. In practice stateless persons could not change their region of residence.

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 denied citizens this right in practice.

Since his election in 1994 to a five-year term as the country's first president, Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the branches of government. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent presidential elections, including the one held in December 2010, continued to deny citizens the right to express their will to choose between opposing candidates in an honest and transparent process with fair access to media and resources.

Elections and Political Participation

Recent Elections: The December 2010 presidential election was marred by numerous violations of procedures and an absence of transparency and accountability that led the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) observer mission to report that the country still had "a considerable way to go in meeting its international commitments." OSCE/ODIHR observers assessed the vote count as "bad or very bad in almost half of all observed polling stations," with clear instances of ballot stuffing and tampering. Although opposition candidates enjoyed somewhat greater freedom to enter the race and promote their candidacies than in earlier elections, preelection campaigning remained extremely limited, and government harassment of independent newspapers, opposition political parties, and independent NGOs throughout the year limited the opposition's ability to mount effective campaigns.

According to the OSCE/ODIHR mission, broadcasters nationwide devoted 90 percent of their political coverage to Lukashenka, and coverage of opposition candidates was overwhelmingly negative. Despite a nominal increase in opposition representation, authorities continued to exclude opposition representatives from election commissions at all levels. The majority of observers

at local polling places appeared to be from government-sponsored NGOs; many of them received instructions in advance to report to foreign observers that the proceedings were "in order."

However, the most serious violations took place after the polls closed, when, as the OSCE/ODIHR mission observed, the situation "deteriorated significantly." In many instances international observers reported that counting was conducted silently and at a sufficient distance as to make evaluation of the count impossible. There were a number of reports that vote totals changed as the ballot boxes were transported between local precincts and the territorial election commission offices. No genuinely independent organizations were permitted to conduct exit polls, but in the opinion of the independent NGO "For Fair Elections," which monitored 250 polling stations across the country, the president failed to gain the 50 percent of the vote necessary to avoid a runoff. The official results gave Lukashenka 79.65 percent of the vote against nine other candidates.

The September 2008 parliamentary elections also fell significantly short of international standards for democratic elections, according to the final report by the OSCE/ODIHR observer mission.

Political Parties: Authorities routinely harassed and impeded the activities of independent political parties and activists. There were several instances of violence against prominent members of the political opposition during the year. Some opposition parties lacked legal status, as authorities refused to register them, and the government routinely interfered with the right to organize, stand for election, seek votes, and publicize views. Approximately half a dozen largely inactive political parties loyal to the regime were allowed to operate freely, even though they appeared to be little more than fig leaves for a system that had de facto excluded party politics.

Political parties continued to receive formal "warnings" for minor offenses under a law that allows authorities to suspend parties for six months after one warning and close them after two. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

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

Participation of Women and Minorities: While there were no laws that prevented women or minorities from voting or participating in political life on the same basis

as men or minorities, statements by Lukashenka against female political leadership was cited as one of the obstacles to advancing women's political participation. Of the 24 ministries in the government, one was led by a woman.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, reports indicated that officials continued to engage in corrupt practices. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem in the country. According to former prosecutor general Ryhor Vasilevich, the majority of the corruption cases involved accepting and soliciting bribes, fraud, and abuse of power, often by government officials.

The absence of an independent judicial system, professional law enforcement, separation of powers, and an independent press made it virtually impossible to gauge the scale of corruption.

The deputy prosecutor general reported that during the year authorities registered 2,416 corruption crimes, down 33.6 percent from the previous year, mainly because the following offenses were removed from the corruption category: forgery by an official, smuggling, receipt of illegal compensation, and financing terrorist activities. Bribery accounted for 54.7 percent of cases, fraud for 5.8 percent, and embezzlement through abuse of office for 35.7 percent. The highest corruption rates were registered in the industrial, agricultural, and construction sectors. According to a senior official in the Prosecutor General's Office, an average bribe was $300 and the highest bribe was $500,000.

During the year officials of agencies responsible for maintaining state security, including financial intelligence, Defense Ministry, customs and border agencies, committed 116 corruption-related crimes, down from 252 crimes in 2010, or 4.8 percent of all corruption crimes. The Military Prosecutor's Office investigated and filed in court 11 cases of corruption and reimbursed more than 60 million rubles ($7,250) in damages resulting from corruption during the year.

There were numerous corruption prosecutions during the year; however, prosecutions remained selective and appeared in some cases politically motivated. Apparent attempts to tackle corruption ended with the arrest of a leading prosecutor. For example, on August 2, the Supreme Court sentenced former senior investigator of the prosecutor general's office Svyatlana Baykova to two years of partial house arrest on minor charges of exceeding her authority. Charges of

pressuring a suspect to give a statement, ordering unjustified detention, and bringing charges against a knowingly innocent person, as well as extensive abuse of authority were dropped. KGB officers arrested Baykova in February 2010 and charged her with illegally dropping criminal charges and abusing her office. The trial started on March 10 and was held behind closed doors because the case reportedly covered classified information. In June Baykova appealed to Lukashenka, seeking to ensure her prompt release and committing to further curb corruption among officials.

Baykova was the chief investigator in a high-profile criminal case against an alleged smuggling ring that included former senior customs officials and KGB and state control committee officers. On November 15, the Belarusian Military Court acquitted 36 suspected members of this criminal group in closed hearings that commenced in May 2010. Thirty-six individuals charged with corruption and facilitating evasion of more than 30 billion rubles ($3.6 million) in custom duties included Anatol Hramovich, a former director of the financial intelligence department under the State Control Committee, and Yauhen Selivanau, a former deputy head of the Brest customs agency. The court ruled that the statute of limitations had expired in relation to a number of crimes allegedly committed by them. In addition, most of the suspects reimbursed damages of more than 450 million rubles ($54,350) in illegal foreign currency proceeds to the state during pretrial investigations. Hramovich was arrested in January 2009 on charges of bribery, abuse of office, and establishing a criminal group.

On December 26, KGB head Vadzim Zaytsau reported that his agency opened more than 50 cases to investigate corruption in addition to 80 cases initiated by other law enforcement agencies. He claimed that of 44 persons convicted of corruption, 33 were state officials, including those at the senior level.

The law, government policies, and a presidential decree severely restricted public access to government information. Citizens had some access to certain categories of information on government databases and Web sites; however, much of the information was neither up-to-date nor complete.

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

There were a number of active domestic human rights NGOs; however, authorities were often hostile to their efforts, did not cooperate with them, and were not responsive to their views.

Three prominent human rights NGO--the BHC, Center for Human Rights, and Center for Legal Transformations--remained registered. The government refused to register numerous NGOs and continued to harass them under articles 193 and 193.1 of the criminal code, which criminalizes organizing or participating in any activity by an unregistered organization. The law also prohibits persons from acting on behalf of unregistered NGOs. A variety of unregistered NGOs, including Vyasna, the "Solidarity" Committee for the Protection of the Repressed, the Human Rights Alliance, Legal Assistance to the Population, and for Religious Freedom, continued to operate in spite of systematic harassment from authorities.

Authorities harassed both registered and unregistered NGOs, subjected them to frequent inspections and threats of deregistration, and monitored their correspondence and telephone conversations. Authorities harassed family members of NGO leaders and civil society activists. The government ignored reports issued by human rights NGOs and rarely met with them. State-run media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subject to closure and harassment.

Authorities can close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what is considered illegal forms of foreign assistance and permits the Ministry of Justice to participate in any NGO activity and to review all NGO documents. NGOs also must submit detailed reports annually to the ministry about their activities, office locations, officers, and total numbers of members.

A presidential order in 2008 increased rent tenfold for most NGOs. Prior to the order NGOs paid one euro ($1.30) per square foot of office space, compared with 10 euro ($13) charged to commercial groups. While some groups, including youth sports groups, charity organizations, and children's arts centers, continued to pay the one euro rate, other NGOs, such as the Belarusian Voluntary Society for Historic and Cultural Heritage Protection, were required to pay the higher rate. Some NGOs were forced to close or move because of higher rents. In February 2010 a senior state property committee member stated that to be eligible for discounted rent rates, an NGO must actively support the government's policies.

Following the flawed December 2010 presidential election, authorities raided the offices of some NGOs, seizing computers and other equipment. On May 4, police

disrupted a news conference at Vyasna's offices organized by human rights defenders, including some from Russia and Ukraine, to present an interim report about the continued police crackdown in connection with postelection demonstrations. Security officers arrived at the offices an hour before the conference and searched the premises for an alleged bomb.

During the year the BHC continued to experience problems with authorities and its accounts remained blocked due to two written warnings based on tax arrears, and a complaint it sent to the UN regarding the regime's repressions of lawyers. In 2008 the Supreme Court allowed the Ministry of Justice to withdraw a petition to suspend the BHC's activities. However, the NGO's bank accounts remained blocked, and alleged tax arrears were unresolved. The case originated in 2005, when authorities seized BHC office equipment as partial payment of 191.5 million rubles ($23,130) in alleged tax arrears and fines for back taxes on international donor funds dating from 2000-02. In October 2009 the financial intelligence services requested income statements and other information from BHC members.

The KGB continued to harass NGO and political party members and activists by planting defamatory articles or information about them in the media. For example, on November 24, Ales Byalyatski, head of the Vyasna human rights group, was convicted of politically motivated charges of large-scale concealment of income and tax evasion and sentenced to four and one-half years in jail. State media repeatedly broadcast and printed insulting materials about him and Vyasna, accusing him of stealing funds from donors and calling him "a criminal."

Authorities were reluctant to engage on human rights problems with international NGOs, whose representatives often had difficulty gaining admission to the country. For example, authorities refused entry visas to a number of foreign human rights activists, including the president of the International Federation of Human Rights Leagues, Souhayr Belhassen, who intended to monitor the trial of Ales Byalyatski in November. Visas also were denied to Marie Manson of Sweden's Civil Rights Defenders, Ane Bonde and Daiva Petkeviciute of Norway's Human Rights House Foundation, and Mariana Rocha of the Brussels-based International Partnership for Human Rights.

Authorities routinely ignored local and international NGOs' recommendations on how to improve the human rights situation in the country and their requests to stop harassing the NGO community.

UN and Other International Bodies: In December 2010 a Foreign Ministry spokesman announced that there were "no objective reasons" for extending the mandate of the OSCE office in Minsk, despite the fact that the mandate of the office had not been fulfilled and notwithstanding calls by the EU and others to extend the mandate. The office had operated since 2003 with a mandate to assist the country in the area of rule of law and with economic and environmental matters. A previous OSCE office with a broader mandate was terminated by the regime in 2001. The government claimed that the OSCE mandate "has been fulfilled" and pointed to the earlier closure of OSCE missions in neighboring countries.

Government Human Rights Bodies: There is a standing commission on human rights in the lower chamber of parliament, but it was ineffective.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice the government did not always enforce these prohibitions. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual, and transgender (LGBT) community.

Women

Rape and Domestic Violence: The law criminalizes rape in general but does not include separate provisions on marital rape. Rape was a problem. However, most women did not report it due to shame or fear that police would blame the victim. According to the Ministry of Internal Affairs, there were 119 registered cases of rape during the year, down 16.8 percent compared with 2010.

Domestic violence, including spousal abuse against women, was a significant problem. In February the Office of the UN High Commissioner for Human Rights raised grave concerns about the persistence of violence against women, in particular domestic and sexual violence, its underreporting, the lack of prosecution of violence within the family, the fact that rape was subject to private rather than ex officio prosecution, and the lack of shelters for victims of domestic violence.

The criminal code does not contain a separate article dealing with domestic violence. According to a study released by the Belarus State University's Center for Sociological and Political Research in March 2010, four out of five women

between ages 18 and 60 claimed that they were subjected to psychological violence in their families. One in four women suffered from physical violence, and 13 percent of women reported that their partners sexually abused them. Women remained reluctant to report domestic violence due to fear of reprisal and social stigma. According to the study, only 6 percent of male and 46 percent of female victims of domestic violence sought professional assistance. NGOs operated crisis shelters, primarily in Minsk, but they were poorly funded and received only limited support from the government.

The deputy prosecutor general announced that the number of domestic crimes decreased by 16.4 percent, with 2,602 cases reported during the year.

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

Sex Tourism: A senior Internal Affairs Ministry official acknowledged that the scope of sex tourism expanded and reported that two Turkish nationals and a citizen of Bahrain were convicted of facilitating sex tourism during the year. Due to the closed nature of the government and sparse independent reporting, it was difficult to estimate the extent of any possible government complicity; however, credible sources asserted that the KGB and other security agencies controlled and profited from sex tourism and associated businesses, including gambling, hotels, and nightclubs.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections. According to data published jointly by the World Health Organization, UNICEF, UN Population Fund, and World Bank, the country's maternal mortality ratio was 15 maternal deaths per 100,000 live births in 2008.

Discrimination: The law provides for equal treatment of women with regard to property ownership and inheritance, family law, and the judicial system, and it was generally respected in practice. The law also requires equal wages for equal work, although this provision was not always enforced. In December 2010 Deputy Minister of Labor and Social Security Ihar Staravoytau said that women's wages were 20 percent less than those of men's despite higher education levels.

The National Statistics Committee reported that as of November 1, 62.8 percent of the unemployed were women compared with 52.8 percent in November 2010. Staravoytau also noted that it took one month on average for men to find new employment and more than two months for women. Women also accounted for two-thirds of all officially unemployed persons seeking a job for more than a year.

There were very few women in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Women's groups also voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

The law grants women the right to three years of maternity leave with assurance of job availability upon return. However, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant. During an inspection of 29 enterprises in the Vitsyebsk region in 2009, the local prosecutor's office found that employed women who were taking care of minor children at times were forced to travel on business and work overnight and overtime without their prior consent and in violation of laws. A number of women worked in extreme and hazardous conditions.

Children

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

Education: In contrast with previous years, there were few and isolated reports that Romani children were subject to harassment from non-Romani children and teachers. The majority of Romani youth did not finish secondary school and failed to enroll in university programs, although the situation improved as more Romani children from mixed families were enrolling and obtaining bachelor degrees, including in the regions. There were no special school programs for Roma, although there were such programs for Jews, ethnic Lithuanians, and Poles.

Child Abuse: Rape or sexual assault of a person known to be a minor is punishable by up to 15 years in jail. Sexual acts between a person older than 18 years of age and a person known to be younger than age 16 carry penalties of up to

five years in jail. According to NGOs that assist child abuse victims, authorities reported approximately 165 criminal cases during the year where children were victims of various forms of sexual abuse and molestation. Twenty-eight children, including five girls aged nine and 10, were raped. The majority of the perpetrators were family members.

The Education Ministry reported on emotional and physical abuse against children that did not require forensic investigations. According to the most recent statistics available, in 2006 approximately 10 percent of children between the ages of 10 and 17 were victims of psychological abuse in their families, and 4.5 percent were victims of physical abuse.

Child Marriage: There were reports of child marriage during the year where girls as young as age 14 and boys as young as age 16 were married with parental consent. The government registered 904 marriages, up from 856 in 2010. In the majority of these cases, children were married with parental consent.

Sexual Exploitation of Children: The law provides penalties of up to 13 years in jail for production or distribution of pornographic materials depicting a minor. Child prostitution was a problem. According to data from the Ministry of Internal Affairs, 22 minors became victims of trafficking-related crimes for sexual exploitation. The ministry reportedly registered 36 criminal cases in connection with the production and distribution of child pornography, including 27 cases of distribution in the Internet during the year. Children, along with men and women, were forced into forced labor (see section 7 c.). There were also reports of child trafficking.

Institutionalized Children: There was no system of monitoring of child abuse in orphanages or other specialized institutions. Authorities did not report on any child abuse incidents. In 2007-08 the Education Ministry and UNICEF conducted a national survey to assess the child abuse situation in the country.

According to the ministry, 20 percent of institutionalized children 10-17 years of age reported psychological abuse by family members, and 22 percent reported they were victims of psychical abuse. Independent observers suggested that numbers were likely to be higher, since approximately 30 percent of children refused to answer this question.

International Child Abductions: The country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

Jewish groups estimated that between 30,000 and 40,000 persons identified themselves as Jews. Most were not active religiously.

During the year anti-Semitic incidents continued but were on the decline, and authorities sporadically investigated reports of such acts. Religious sites were vandalized. For example, in mid-November members of the Jewish community in Babruisk reported several incidents of vandalism of the city's synagogue. On November 11, vandals painted a swastika and the words "death to Jews" on the fence surrounding the synagogue. In the early morning hours of November 18, vandals smashed four of the synagogue's windows. No suspects were apprehended. The government did not promote antibias and tolerance education.

Jewish community and civil society activists continued to express concern over the concept of a "greater Slavic union" that was popular among nationalist organizations, including the neo-Nazi group Russian National Unity, which remained active despite its official dissolution in 2000. Neo-Nazis were widely believed to be behind these and numerous other incidents across the country. Anti-Semitic and Russian ultranationalist newspapers, literature, DVDs, and videotapes imported from Russia continued to be sold.

Trafficking in Persons

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

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, and other government services, and discrimination was common in practice.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities which accounted for more than half a million persons. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The National Association of Disabled

Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and their places of residence were not accommodated for wheelchair users. While authorities claimed that 30 percent of the country's total infrastructure was accessible, disability rights organizations disputed this figure.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that 80 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities, and calculations of pensions did not take disability status into account. Members of the country's Paralympics teams received half the salaries and prize money of athletes without disabilities.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. Approximately 70 such institutions existed across the country. Disability rights organizations reported that the quality of care in these facilities was low, and instances of mistreatment and abuse were reported. Persons with physical disabilities and persons with mental disabilities frequently were mixed within facilities and not provided specialized care. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. According to government statistics, two percent of the country's public transportation network was accessible.

Disability rights organizations reported difficulty organizing advocacy activities, given impediments to freedom of assembly, censorship of materials, and the government's unwillingness to register assistance projects. For example, an independent group advocating for rights of persons with disabilities reported that the Belarus State University rejected an application from a visually impaired woman to enroll into a legal program despite high test scores. They cited a lack of specialized equipment to accommodate her disability. She was subsequently accepted after intervention by human rights advocates.

In November a wheelchair user was unable to file a complaint to a Minsk district court because the court was located in an old building without ramps. Advocates also noted that persons with disabilities, especially visually and hearing impaired, lacked the ability to address violations of their rights easily and completely as courts often failed to provide special equipment and sign language translation.

National/Racial/Ethnic Minorities

Governmental and societal discrimination against the ethnic Polish population and Roma persisted. There were also expressions of societal hostility toward proponents of Belarusian national culture, which the government often identified with actors of the democratic opposition.

During the year authorities continued to harass the independent and unregistered Union of Poles of Belarus (UPB). However, in contrast with previous years, authorities did not openly persecute UPB members.

Official and societal discrimination continued against the country's 10,000 to 20,000 Roma. The Romani community continued to experience high unemployment and low levels of education. Authorities estimated the unemployment rate among Roma to be as high as 80 percent, according to the latest available information. Roma often were denied access to higher education in state-run universities. In 2009, however, the Office of the Plenipotentiary Representative for Religious and Nationality Affairs stated that the country's Romani community had no problems that required the government's attention.

While the Russian and Belarusian languages have equal legal status, in practice Russian was the primary language used by the government. According to independent polling, the overwhelming majority of the population spoke Russian as its mother tongue. Because the government viewed proponents of the Belarusian language as political opponents of the regime, authorities continued to harass and intimidate academic and cultural groups that sought to promote use of the Belarusian language. Proposals to widen use of the language were rejected routinely.

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

Homosexuality is not illegal, but discrimination against members of the LGBT community was widespread, and harassment occurred.

Authorities routinely denied LGBT groups permission to hold public events, including a pride parade. In early May authorities denied the LGBT community 100 applications to hold scores of events to mark the International Day against Homophobia and Transphobia. In spite of the denial, members of the local LGBT rights NGO Gay Belarus planned to pass out leaflets in downtown Minsk on May

17. However, authorities preemptively detained approximately 15 group members, held them for three hours, and subsequently released them without charge.

In December authorities denied a registration application to a gay rights group, Alternative Plus Human Rights Center, citing minor errors in information on its founders, such as a misspelled name and a wrong birth date. Societal discrimination against LGBT activists persisted. For example, the gay pride parade in October was marred by homophobic attacks, including painting homophobic graffiti and throwing eggs on walls of an openly gay bar in Minsk.

On July 18, Natallya Pradzed, an LGBT activist, held a picket in Minsk to protest violations of human rights and arbitrary government policies. She was arrested and sentenced to 10 days in jail.

On October 7, Lukashenka apologized for having told German Foreign Minister Guido Westerwelle, who is gay, "that he had to lead a normal life," presumably at a closed meeting in November 2010. Lukashenka noted that he regretted his statement but condemned homosexual relations. Earlier, he stated that he did not understand how two men could live together and would exile gay men to collective farms "with great pleasure."

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy stigma. The Joint United Nations Program on HIV/AIDS office reported that there were numerous reports of HIV-infected individuals who faced discrimination, especially at workplaces and during job interviews.

According to a UN Fund for Population Activities study released in February, 30.8 percent of surveyed doctors indicated their reluctance to work with HIV-positive persons and, if they treated them, their discomfort with such patients. Only 8.1 percent expressed a positive attitude towards HIV-infected patients. More than 16 percent of doctors said that they lacked knowledge for treating such patients efficiently, and 74.5 percent heavily stigmatized HIV-positive persons, describing them as irresponsible and promiscuous.

During the year a number of NGOs representing HIV-infected persons expressed serious concerns about a discriminatory bill aimed at preventing the spread of the virus and other dangerous and primarily communicable diseases. The bill was

adopted by the government at year's end despite numerous NGO appeals and petitions to recall or amend it. According to a United Nations Development Program expert, the legislation would stigmatize HIV-infected persons and "force the HIV infection into underground." The law extends the list of grounds for mandatory HIV testing and requires HIV-positive persons to inform all their former partners of their status. According to rights advocates, the law will further stigmatize not only HIV-infected persons but also their families, breach their privacy and medical secrecy, and turn them away from state-run medical and social institutions.

Although the government adopted a national program for preventing HIV in 2011-15, which for the first time prescribes funds to procure imported antiretroviral treatment for HIV-infected persons, a near three-fold devaluation of the Belarusian currency raised serious doubts about committed resources. However, the government continued to broadcast and post public service advertisements raising awareness about HIV/AIDS and calling for greater tolerance towards persons infected with the virus.

There were also frequent reports of family discrimination against HIV-positive members of households. This included preventing HIV-positive parents from seeing their children, or requiring HIV-positive family members to use separate dishware.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers, except state security and military personnel, to form and join independent unions and to strike. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination.

In practice independent unions were barely tolerated. The government-controlled and docile Federation of Trade Unions of Belarus was the largest union, claiming an estimated four million members; however, that number was likely inflated, since the country's total workforce was approximately four million. The Belarusian Congress of Democratic Trade Unions (BCDTU), with four constituent unions and approximately 10,000 members of independent trade unions, was the largest independent union umbrella organization.

Tight government control over registration requirements and public demonstrations made it difficult for unions to organize and strike. Such control reportedly increased as a result of the economic crisis during the year. Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal. Government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

During the year the government continued efforts to suppress independent unions, stop union activities, and bring all union activity fully under its control. Its efforts included frequent refusals to extend employment contracts for members of independent unions and refusals to register independent unions. According to BCDTU leader Alyaksandr Yarashuk, no independent unions have been established since a 1999 decree requiring trade unions to register with the government. Workers who were deemed "natural leaders" or who involved themselves in NGOs or opposition political activities were fired routinely for these activities.

Local authorities continued to deny multiple registration applications to the Vitsyebsk, Mahilyou, and Homyel chapters of the Belarusian Union of Electronic Industry Workers (REP). According to the REP, authorities refused to reregister the chapter in Mahilyou because the REP office proprietor had not agreed to register the office as its legal address due to harassment from officials. In 2009 a court in Mahilyou upheld the registration denial. Further attempts to reregister in Mahilyou also were denied. REP did not file registration applications for their chapters in Vitsyebsk, Mahilyou, and Homyel during the year but intended to do so in 2012.

On January 14, KGB officers conducted a raid of the Minsk-based REP offices for four hours, seizing equipment and printed materials. A search warrant alleged that presidential candidate Andrei Sannikau's campaign team stored materials at REP premises, which were used in postelection demonstrations.

In July state-run housing services in Smalyavichy unexpectedly refused a local REP chapter's request to extend a lease of offices that they had been renting for three years. The refusal came after the premises were burglarized a number of times and office equipment was stolen. The REP chapter requested the assistance of local authorities in finding a new office; however, authorities responded that

there were no members of REP in Smalyavichy and the chapter should be shut down.

In Baranavichy the management of a local factory dismissed engineer Viktar Tsyapin in December. Tsyapin linked his dismissal with his efforts to organize "the people's assemblies," protests by the democratic opposition against poor economic conditions that were deemed unsanctioned by the government and for which Tsyapin was fined in October 875,000 rubles ($106). In a similar case, a private company in Baranavichy dismissed Anzhela Kambalava, who was also fined 350,000 rubles ($42) for distributing leaflets about "the people's assemblies" in October.

On November 14, Dzmitry Karashkou, an operator of a diesel locomotive at the railroad car repair plant in Homyel, was dismissed for participating in "the people's assemblies" and collecting his colleagues' signatures to petition for a twofold salary increase in October.

On October 24-25, workers of the municipal service in charge of collecting garbage in Barysau walked out in protest of salaries as low as 600,000 rubles ($72). After negotiations with the management workers agreed to a monthly 20 percent increase of salaries in addition to a lump sum of 500,000 rubles ($60).

In November workers at a farm in the Malaryta district went on a brief strike demanding wage increases. The farm management manipulated the situation and claimed to have raised their pay by 28 percent, which in fact was a nationwide raise for public sector workers as of October 1.

During the year authorities and state-run enterprises continued to pressure independent trade unions and deny their right to sign collective bargaining agreements. For example, after a year of three-party negotiations, state-run oil refinery Naftan signed on January 28 an agreement with the state-controlled trade union of chemical industry workers, leaving out the Belarusian Independent Trade Union (BITU), a member of the BCDTU. The management of Naftan refused to sign a separate agreement with the chapter of the BITU. On November 30, local authorities in Navapolatsk denied a fourth application from the BITU to stage an authorized picket in protest of the refusal.

Since 2000 the government has required state employees, who constitute approximately 80 percent of the workforce, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one

year, which gave the government the ability to fire employees by declining to renew their contracts. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice. In March 2010 the president signed an edict providing the possibility for employers to sign open-ended work contracts after five years of good conduct. The edict limited the rights of employers to approve open-ended contracts earlier than five years after the service computation date and made no major changes to the contracting system. The provision did not apply to state employees and other categories of workers who remained subject to mandatory contracts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that women, men, and children were trafficked for commercial sexual exploitation and forced labor.

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

During the year the government approved "subbotniks," which required employees of the government, state enterprises, and many private businesses to work on Saturday and donate their earnings to finance government social projects. Employers and authorities subjected workers who refused to take part to fines and intimidation. Minsk city authorities claimed that more than three million persons worked at a "subbotnik" in April.

There were reports that authorities forced men serving mandatory military service to undertake work that was unrelated to their military service. Credible sources also reported labor violations commensurate to forced labor in prisons. Former inmates stated that their monthly wages were as low as 5,000 rubles ($0.60)

c. Prohibition of Child Labor and Minimum Age for Employment

The law forbids the exploitation of children in the workplace, including a prohibition on forced and compulsory labor, and specifies policies for acceptable working conditions. The government generally implemented these laws in practice. However, there were reports that some children were compelled into forced labor.

The minimum age for employment is 16; however, a child as young as age 14 may conclude a labor contract with the written consent of one parent or a legal guardian. The Prosecutor General's Office reportedly enforced the law effectively. Minors under age 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 minors' health or hinder their education.

d. Acceptable Conditions of Work

As of December 1, the national minimum monthly wage was 925,520 rubles ($112). As of December 31, the average monthly wage was 2,877,658 rubles ($348). As of November 1, the government set the poverty line at 574,790 rubles ($69) a month per capita. The first deputy minister of labor and social security reported on December 28 that 59 organizations paid their workers wages below the established national minimum monthly compensation.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic situation, many workers worked considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to lack of demand for the factories' products. In May amid deepening financial crisis and lack of foreign currency proceeds, the head of the National Statistics Committee stated that approximately 600,000 workers in industries were on furloughs due to their companies' failure to import raw materials. Given higher wages in Russia, labor migration to Russia, where Belarusians have the legal right to work, increased noticeably. The law provides for mandatory overtime and holiday pay and restricts overtime to four hours every two days, with a maximum of 120 hours of overtime each year.

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 minimal safety gear. There is a state labor inspectorate, but it lacked authority to enforce employer compliance and often ignored violations.

As of November 1, the Ministry of Labor and Social Protection reported 173 workplace fatalities, down from 202 in the same period in 2010. The ministry reported that the majority of workplace accidents were registered in the construction industry and were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. The law does not

provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.