



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## U.S. Department of State

### Belarus Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

---

#### BELARUS

Belarus has a constitutional government with executive, legislative, and judicial branches, but the President exercised total control over most aspects of the Government by the end of the year. Since his election as the first President in July 1994, Aleksandr Lukashenko has steadily amassed power in the executive branch. The President appoints the Cabinet of Ministers and all executive heads of the country's six provinces. Presidential decrees have the force of law, except--in theory--in those cases restricted by the Constitution and Parliament. A new Parliament was seated in January, but the President restricted it from carrying out nearly all of its constitutional duties and dissolved it following a controversial constitutional referendum in November. The Troika of Foreign Ministers of the Organization for Security and Cooperation in Europe concluded that the circumstances of the referendum deprived it "of any legitimacy." The President repeatedly ignored limits on the authority of the executive branch. The judiciary is not independent.

The Committee for State Security (KGB) and Ministry of Internal Affairs (MVD), both answerable to the President, remained the chief law enforcement and police organs. Under President Lukashenko's direction, the Presidential Guard (initially created to protect senior officials) expanded its role and used force against the President's political enemies with no judicial or legislative oversight. Members of the security forces committed numerous human rights abuses.

The economy is still largely state controlled and continued its steady decline since the breakup of the Soviet Union. Only limited, small-scale privatization has occurred, and although most prices were liberalized, the prices of staple food products are controlled by the Government. Most state enterprises

have not been restructured, and many are operating at a fraction of their capacity. Industry and construction employ 40 percent of the labor force; agriculture employs 20 percent. According to official statistics, per capita gross domestic product (GDP) at the end of 1995 was \$1,000; however, actual per capita GDP probably is higher since many economic activities are unreported. Major exports include machinery, transport equipment, and chemicals.

The Government's human rights record worsened significantly as the President continued to lead Belarus back toward Soviet-era authoritarian practices. The Government severely limits citizens' right to change their government. Lukashenko used a November constitutional referendum, which the international community generally regarded as illegitimate, to consolidate and extend his power. He used the results of the referendum to disband the Parliament (Supreme Soviet) and form a new legislature subordinate to his rule. The constitutional referendum, which was riddled with violations of democratic norms, also extended his term of office by 2 years and further subordinated the judiciary to his rule. He also announced that he would be a cabinet member for life.

The constitutional referendum occurred in a repressive political environment and with pervasive government control of the media. Through this control, the Government denied the voters access to the views of the opposition--including members of Parliament and of the Constitutional Court. The judiciary is not independent, and is largely unable to act as a check on the executive branch and its agents.

Executive branch abuse of its monopolies on the security apparatus and on the mass media increased. Security forces reportedly regularly beat detainees and prisoners. On occasion security forces arbitrarily arrested and detained citizens. The security services monitored the activities of opposition politicians and other segments of the population closely. Formations of MVD troops used force to break up political demonstrations and made mass arrests following one protest. Severe hazing continued in many military units. Prison conditions are poor. Prolonged detention and delays in trials were common. Restrictions on freedoms of speech, the press, and peaceful assembly all increased. Although the Government generally respected freedom of association, there were serious exceptions. Restrictions on the freedoms of religion and of movement continued. Discrimination and domestic violence against women remained significant problems. The Government sharply curtailed the rights of workers to organize and bargain collectively.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Extrajudicial Killing**

There were no reports of political or other extrajudicial killings. The Government did not apologize for the September 1995 downing of a sport balloon by the Belarusian Air Defense Force, which resulted in the deaths of two American citizens, despite the May conclusion of the International Civil Aviation Organization's investigation that the tragedy was the result of a variety of factors, including failures and errors by Belarusian civil aviation and military authorities.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

Both the 1994 Constitution and the new Constitution adopted as a result of the November referendum provide for the inviolability of the person and specifically prohibit torture, as well as cruel, inhuman, or degrading punishment. However, police and prison guards reportedly regularly beat detainees and prisoners. Law enforcement and prison officials may use physical force against detainees and prisoners if the latter are violent, have refused to obey the instructions of the prison administration, or have "maliciously violated the terms of their sentences." Law enforcement sources as well as former detainees report that investigators physically abused detainees in order to secure confessions. Although such behavior is against the law, the Government seldom, if ever, punishes people who commit such abuses.

Police beat and detained journalists covering an April 26 antigovernment rally (see Sections 1.d. and 2.a.).

The Ministry of Defense announced that "dedovshchina," the practice of hazing new recruits, would no longer be tolerated. This practice of severe harassment and abuse of new draftees by senior soldiers to maintain strict discipline has abated somewhat, but there are reports that hazing continues in many units.

Prison conditions are poor, marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis and syphilis. Conditions at prison hospitals are similarly poor.

Human rights monitors were not granted sufficient access to prisoners.

#### d. Arbitrary Arrest, Detention, or Exile

Belarus has only slightly amended its Soviet-era law on detention. On occasion security forces arbitrarily arrested and detained citizens. The Criminal Procedure Code provides that police authorities may detain a person suspected of a crime for 3 days without a warrant. This period may be extended for up to 10 days, pending further investigation of a crime. On the basis of a local prosecutor's authority, detainees may be kept in pretrial detention for up to 3 months. Regional and republic level prosecutors may request extensions up to a maximum of 18 months. The law permits citizens to appeal the legality of an arrest either to the court or to the prosecutor's office. According to judicial sources, nearly 90 percent of all arrests are now contested.

By law a judge must initiate a trial within 3 weeks from the time charges are filed. However, the overloaded court system often does not meet this requirement, and months may pass before a defendant is finally brought to court.

Detainees may be allowed unlimited access to their legal counsel, and, according to the 1994 Constitution, if they cannot afford counsel, a lawyer is to be appointed free of charge. Lawyers are not appointed free of charge in "minor" cases, however, and prisoners without the means to hire their own counsel have received sentences of up to 5 years without consulting an attorney.

Prisoners and lawyers both report restrictions on consultations, and investigators may prohibit consultations between a lawyer and a client. Some detainees reported that investigators coerced them to sign statements waiving the right to an attorney during interrogation. The Government has failed to budget sufficient funds for defense attorneys representing the indigent, and defense attorneys' fees are prohibitively expensive for many defendants. The law does not provide for the right to a prompt judicial determination of the legality of detention. Since there are no legal provisions for bail and because there is no effective judicial oversight of prosecutors' actions, pretrial detention has in some instances lasted longer than 3 years, sometimes without the accused knowing the charge against him. Two opposition

leaders detained for activities in conjunction with the April 26 protest were released on their own recognizance to await trial after their month-long hunger strike threatened their lives (see Section 1.e.).

The constitutional right of access to counsel and the requirement to charge detainees are frequently ignored. Witnesses at criminal trials who gave evidence to police without access to an attorney were subsequently charged based on their testimony.

On April 26, opposition Member of Parliament Pavel Znavets was detained after a raid on Belarusian Popular Front headquarters and held incommunicado for more than 24 hours despite parliamentary immunity from arrest. Security forces refused to answer parliamentary inquiries about the circumstances surrounding his detention. The Supreme Soviet formed a commission to investigate the matter. It determined that Znavets had parliamentary immunity and should not have been detained. The matter has been dropped.

Ukrainian nationalists detained in conjunction with an April 26 antigovernment rally were publicly criticized on national television before their trial began. A state-employed cameraman, posing as an interrogator, questioned the detainees, and official television broadcast their interrogation as part of the Government's campaign to justify the extreme police reaction to the protest.

On the evening of April 26, hours after the conclusion of the "Path of Chernobyl" antigovernment protest, police arbitrarily rounded up groups of youths on the streets of Minsk. Anatoly Lisun, who has been deaf and mute since birth, was detained for 3 days for "shouting antipresidential slogans." In all police rounded up over 100 people on the streets of Minsk. Detainees were held in a Minsk prison with no facilities for consulting lawyers or visits from family members. For more than 30 days, foreign diplomats were refused access to their citizens detained in conjunction with the April 26 protest.

In October authorities reportedly detained miners who sought to attend an opposition congress (see Section 2.b.).

Two leaders of the opposition Belarusian Popular Front, who had played a prominent role in organizing protest demonstrations in March and April, evaded a security forces dragnet and fled the country. Both were granted political asylum abroad.

Beginning in 1996, there were reports of people being apprehended by unidentified individuals and held incommunicado for varying periods. Those conducting the apprehensions were presumed to be members of the government security services, since the detentions occurred during opposition demonstrations.

Exile is not practiced.

#### e. Denial of Fair Public Trial

The judiciary is not independent and is largely unable to act as a check on the executive branch and its agents. The Supreme Council passed legislation to support the independence of the judiciary in 1995, but these reforms were not implemented. Without the implementation of major structural reforms, the independence of the judiciary from outside pressure cannot be realized. The November constitutional referendum further subordinated the judiciary to Lukashenko's rule by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining 6 are appointed by the Senate, which itself is at least partially under the control of the President by virtue of his power to directly appoint 8 of the 64 Senators and indirectly to influence the election of the remainder.

The criminal justice system, following the former Soviet model, has three tiers: district courts, regional courts, and the Supreme Court. Several modifications have been made, brought about by passage of the new Constitution, including direct presidential appointment of all district level and military judges. The President also appoints the chairmen of the Constitutional Court, the Supreme Court, and the Supreme Economic Court. A Constitutional Court was established in 1994 to adjudicate serious constitutional issues, but it has no means to enforce its decisions.

Parliament selects judges for republic-level courts on the basis of recommendations from the Ministry of Justice, based in part on examination results. However, many current judges and prosecutors were appointed in Soviet times when political influence pervaded the criminal justice system as it does today. Judges are dependent on the Ministry of Justice for sustaining the court infrastructure and on local executive branch officials for providing their personal housing. Organized crime has had a significant impact on court decisions. There have been reports of judges granting lenient sentences to defendants "connected" with organized crime.

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They are ultimately responsible to, and serve at the pleasure of, the Procurator General, who according to the Constitution adopted by the November referendum is appointed by the Senate. The previous Constitution also gave the legislature authority to appoint the Prosecutor General.

By law trials are public, although they may be closed on grounds of national security. Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf. These rights are not always respected in practice. Defendants also have the right to be represented by counsel, another right not always respected in practice (see Section 1.d.). Trials for those detained on misdemeanor charges following the April 26 protests were held assembly-line style at the prison, and some defendants did not have the opportunity to call witnesses on their behalf.

While the Constitution establishes a presumption of innocence, conviction rates have not changed from the Soviet era. Nearly 99 percent of completed cases result in convictions. Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation," and prosecutors also withdraw cases not likely to result in conviction.

Both defendants and prosecutors have the right of appeal, and now nearly 60 percent of all criminal cases are appealed. On appeals, neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial, and appeals rarely result in reversals of verdicts.

Two leaders of the Belarusian Popular Front, Yuri Khadyko and Vyacheslav Sivchik, were detained on April 26 and charged with two felonies: Creating a public disturbance and interfering with the actions of police officers. After a hunger strike that lasted nearly a month and broad appeals for their release, both were released on condition that they remain in Minsk until their trial, which has been repeatedly postponed.

Andrei Romashevsky, Vice President of the Belarusian Beer Lovers' Party, was detained following the April 26 demonstration and charged with "malicious hooliganism" for desecrating state symbols. Following the May 1995 referendum that approved the "new," Soviet-style Belarusian flag, Romashevsky burned that banner, yet he was only detained 1 year later, following his participation in a student antigovernment rally in May. After serving nearly 3 months in pretrial detention, Romashevsky was given 1-year probation and a 2-year suspended sentence.

The nationalist poet Slavomir Adamovich was detained on April 18 for publishing a poem titled "To Kill a President" and charged with inciting a terrorist act. His trial was continuing in criminal court at year's end.

Vladimir Dzyuba, news editor of Belarusian Radio 2, was detained after the April 26 rally and served a 3-day sentence for "petty hooliganism." Immediately after his release, he was again detained and given a second sentence of 15 days, reportedly after the judge was pressured by the executive branch for giving Dzyuba too lenient a sentence.

There were no reports of political prisoners at year's end.

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

Government monitoring of residences and telephones increased. The KGB is widely believed to enter homes without warrants, conduct unauthorized searches, and also to read mail. Human rights organizations believe that their correspondence is routinely monitored by the security services. The KGB, the MVD, and certain border guard detachments have the right to request permission to install wiretaps but legally must obtain a prosecutor's permission before installation. The Presidential Guard formed in 1995 reportedly conducted surveillance activities of the President's political opponents. There is no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch has repeatedly thwarted attempts to exercise such oversight.

The Government makes no secret of the security service's activities or capabilities and conducts active surveillance of opponents of the Lukashenko Government. In February a telephone installed in the residence of the newly elected Speaker of the Parliament was found to be wiretapped. In September the Chairman of the Constitutional Court announced that he had received information from a source within the Presidential Guard that President Lukashenko had given instructions to record the Justice's telephone conversations, both at home and at work, as well as to collect "compromising materials" on the leader of the country's highest court.

In a February 26 address to government and industry leaders, the President openly referred to a "special services" report detailing trade union meetings with international labor organizations. The President attempted to discredit trade union leaders, accusing them of plotting to "destabilize the domestic political situation."

Nearly all opposition political figures assumed that the Government monitors their activities and conversations. The Lukashenko Government did nothing to refute these assumptions. Indeed, government officials do not appear to be exempt from monitoring. Lukashenko declared to a television audience that he was confident of then-Prime Minister Chigir's loyalty because he knew what Chigir said in private to his wife.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech, but the Government does not respect this right in practice. The executive branch, through the head of the President's Chief Directorate for Public Information, further increased direct suppression of freedom of expression through its near total monopoly on the means of production and distribution of mass media and by restricting the access of independent media to official sources of information. The Government increased economic pressure on

the independent media by pressuring advertisers to withdraw advertisements and by ordering intrusive, prolonged inspections of their financial activities.

The defamation law makes no distinction between private and public persons for the purposes of lawsuits for defamation of character. A public figure who has been criticized for poor performance in office may ask the public prosecutor to sue the newspaper that printed the criticism.

In January the President signed a decree ordering that all editors in chief of state-supported newspapers would henceforth be official state employees and would become members of the appropriate level government council. Another decree granted the Ministry of Press authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a means of payment for their schooling.

In December 1995, on instructions from President Lukashenko, the state publishing house refused to renew printing contracts with the four leading independent newspapers. These publications continued to circulate in Belarus, but they are still denied access to the state-controlled system of distribution and publishing facilities.

The Belarusian Television and Radio Company (B-TR) maintained its total monopoly as the only nationwide television station. B-TR Director Grigory Kisel instructed the state television company to cease broadcasting the opening session of Parliament. Despite parliamentary resolutions calling for time on state television, B-TR did not broadcast the Constitutional Court's annual address to the nation, which was highly critical of many of President Lukashenko's actions. On April 18, the Parliament adopted a resolution that claimed that the B-TR "regularly broadcast information which discredited the activities of the highest legislative body." On September 27, in response to what it termed consistently tendentious coverage, Parliament withdrew B-TR's press accreditation. (Russian television networks continue to have access to Supreme Council sessions.)

The Government regularly restricted the access of independent media to official sources of information. On many occasions, representatives of the independent media were not granted accreditation to government press conferences. The Cabinet of Ministers announced on February 8 that the Russian news agency Interfax would not be granted further access to information for "grossly distorting" the meaning of testimony by the Prime Minister before Parliament. In accordance with a presidential decree, the Government broke the lease on the editorial offices of the independent news agency "Belapan" and the opposition newspaper "Svaboda" and forced them to move without compensation.

Police beat journalists attempting to cover the April 26 antigovernment rally during the melee that followed the rally, and detained two journalists. Radio Liberty correspondent Eduard Terlitsky and Cezary Golinski of the Polish daily "Gazeta Wyborcza" were seriously injured.

Journalists covering a peaceful May Day rally were harassed and roughly handled by unidentified security officers in civilian clothing, reportedly members of the Presidential Guard service. The film of two journalists was exposed and videotapes were removed from the camera of the Moscow-based NTV correspondent. The prosecutor's office initiated an investigation, but it has not produced results. Journalists claimed that the incidents were an attempt to intimidate them and influence their coverage of future civil disturbances.

On the night of June 20-21, two men reportedly broke into the apartment of Radio Liberty correspondent Yuri Drakokhrust and physically abused his wife Galina. Drakokhrust, who was away on a business trip, was a vocal critic of the Lukashenko administration. Galina Drakokhrust claimed that the men used a

key to enter the apartment, stole nothing, and insisted that she "tell her husband" what happened.

The Government used the State Tax Inspectorate and the "President's Control Board" to harass the independent media. The publisher of Belarus' leading independent newspapers claimed that the tax inspectorate had received instructions to "keep looking through the books until they find a reason to close them down." The bank accounts of five independent newspapers were frozen for period of about 1 month but were no longer frozen at year's end.

The Government closed down Radio 101.2, Minsk's only independent Belarusian language radio station, on September 1. After the Government initially claimed that the antenna interfered with security force communications, the President admitted that "a government transmitter and government frequencies . . . would not be used for antigovernment policies." In fact Radio 101.2 purchased the transmitter and antenna, but due to government prohibitions on private ownership of broadcast equipment, transferred title of the equipment to the Ministry of Communications and was renting the equipment back from the Government. In October Belarusian authorities closed down Radio NBK, the only independent station in Grodno, for alleged financial irregularities. State television and radio consistently denied access to the opposition, including the Speaker of the Supreme Soviet, prior to the November referendum despite repeated appeals by the Parliament. An analysis of media coverage during the November 9-24 referendum by the European Institute for Media concluded that of the 2,000 minutes devoted to referendum reporting on television, 90 percent openly supported the President's position; the other 10 percent was considered nonbiased. Radio coverage during the same period similarly contained no coverage that could be considered supportive of the opposition to the referendum or the Parliament.

The observance of academic freedom is mixed. University students and academics alike are free to pursue virtually any course of study or research. After enjoying considerable freedom to develop curricula in the first years following independence, educators are now more restrained.

On February 26, Vladimir Zametalin, President Lukashenko's Chief of Socio-Political Information, sent a letter to all academic institutions requiring a full report on all educators' publications, membership in social organizations (including political party affiliation), and any prizes and grants won from both foreign and domestic organizations.

During an April 4 press conference, President Lukashenko accused educators of inciting students to oppose his Government's plans for closer integration with Russia. Lukashenko warned academics that "we know who you are," and not to hide behind the youths whom they "throw out" to the demonstrations. Addressing teachers on October 5, the President called for the reintroduction of "ideological education," without which, he claimed, students were more disposed to participate in "nationalist riots."

#### b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly. The Soviet Law on Demonstrations, which is still valid, requires an application to be made at least 10 days in advance to local officials. The local government must respond either positively or negatively not later than 5 days prior to the scheduled event. Public demonstrations occurred frequently but always under strict government control. Throughout a series of antigovernment demonstrations in the spring, the Government appeared to be following a policy of seeking confrontation with protestors, and police regularly used force to disperse crowds. The Government continued to restrict citizens' right to assemble throughout the year, but beginning with a May 1 demonstration, authorities instituted a more balanced policy--reinforced, at times, by a heavy police presence, and no further serious clashes with demonstrators occurred.

The Government issued permits for rallies on March 24 and April 26, but (according to opposition members) placed unreasonable restrictions on the location and path of the rallies. The Government placed formations of internal troops dressed in riot gear in the likely path of the marchers and used truncheons and tear gas in attempts to repel crowds. During the April 26 demonstration, the crowd responded with rocks and bottles and overturned two police cars. After the rally, police rounded up over 100 people on the streets of Minsk and raided the headquarters of the Belarusian Popular Front.

For most of the year, the Government denied permission for rallies to be held near Minsk's Independence Square and the President's office building; however, during the November referendum authorities allowed both opposition and pro-presidential demonstrators to remain in the square for a week-long vigil. In June the Association of Independent Industrial Trade Unions was denied permission to picket the President's office building but was granted permission to picket the Parliament.

Members of the Independent Miners' Union who attempted to walk from Soligorsk to Minsk to attend an October 18-19 opposition congress were repeatedly detained en route. After being released on October 21, 5 of the original 17 miners who set out reached Minsk on October 23. University instructors were told not to let students leave after class in order to hold down participation in an October 19 demonstration held in opposition to the concurrent All-Belarusian People's Congress organized by President Lukashenko.

Both the 1994 Constitution and the Constitution adopted by the November referendum provide for freedom of association; however the Government did not fully respect this right in practice. According to members of parties in opposition to the President, opposition groups frequently are denied permission to meet in public buildings. Employees at state-run enterprises are discouraged from subscribing to independent journals and were bused to rallies in support of the President. The Government regularly used the nationalist Belarusian Popular Front as a scapegoat, raided its headquarters, confiscated leaflets that would have publicized "unsanctioned rallies," and in June froze the organization's bank account. In addition the Government's suspension of the Free Trade Union of Belarus continued (see Section 6.a.).

At year's end there were 34 registered political parties. A 1995 decision by the Ministry of Justice required existing public associations to reregister. During the reregistration process, the Ministry frequently found cause to deny reregistration to many organizations, effectively reducing the number of public associations in Belarus from 700 to 400 by year's end. According to the Belarus League for Human Rights, some government officials admitted that the process was illegal and, therefore, allowed some groups to continue operating under their original registration. Nongovernmental organizations can legally be established, but the Ministry of Justice scrutinizes their registration applications and frequently finds cause not to register them.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, a July 1995 Cabinet of Ministers directive sharply limits the activity of foreign religious workers. Citizens are not prohibited from proselytizing, but foreign missionaries may not engage in religious activities outside the institutions that invited them. Only religious organizations already registered in Belarus may invite foreign clergy. This new directive hampered foreign religious workers' efforts to proselytize; it seeks to limit them to providing humanitarian aid only.

The Cabinet of Ministers regulation is seen as a means of enhancing the position of the Orthodox Church with respect to the faster-growing Roman Catholic and Protestant churches and also as a means of preventing religious movements outside the mainstream from spreading. The President granted

special tax and other financial advantages to the Orthodox Church, which other denominations do not enjoy, and has declared the preservation and development of Orthodox Christianity a "moral necessity." In 1995, 50 Polish Roman Catholic priests were reportedly denied registration as foreign religious workers. There were no reports of such denial of registration in 1996. Bishops must receive permission from the State Committee on Religious Affairs before transferring a foreign priest to another parish. The head of the Orthodox Church, who is closely associated with the President, frequently speaks critically of missionaries.

Some difficulties still exist in transferring church property from state control back to the former owners. There has been very limited and inconsistent progress on the repatriation of former Jewish property.

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

According to the Constitution, citizens are free to travel within the country and to live and work where they wish. All adults are still issued internal passports, which serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

The right to choose one's place of residence, although provided by law, remains restricted in practice. Despite its formal abolition by the Soviet government in October 1991, the "propiska" (pass) system survives in Belarus. All citizens are required to register their places of residence and may not change them without official permission. The authorities no longer explicitly limit the number of residence permits in Minsk and the five regional centers of Brest, Grodno, Mogilev, Vitebsk, and Gomel. However, in order to register, a citizen must already have employment in the city. To be employed in the city, however, one must already be registered.

Police checkpoints at the approaches to all major cities are manned by police and, at times, by soldiers in full combat gear who randomly inspect vehicles. Citizens who appear to be of Central Asian descent report that they are stopped much more frequently than others.

Government regulations on entry and exit require citizens who wish to travel abroad to first receive an overseas passport and a "global" exit visa, which is valid for from 1 to 5 years. Once a traveler has these documents, the law does not restrict travel. However, a severe shortage of overseas passports has led to a backlog in issuance. In an address on June 20, President Lukashenko announced that "from July 1 forward, not one citizen will travel beyond the borders of our State without notifying the authorities," but no new restrictions on travel were introduced. At the end of the year, the Government took measures aimed at limiting the travel of opposition politicians. The Ministry of Foreign Affairs announced in December that those parliamentarians who did not join the new legislature could no longer travel on their diplomatic passports. Although the diplomatic passports were not confiscated, the border guards reportedly had a "black list" of opposition members who were to be denied exit from the country if using a diplomatic passport.

According to government data, no citizen was denied permission to emigrate. However, legislation restricting emigration by those with access to "state secrets" remained in effect, and any citizen involved in a criminal investigation was also ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. However, there is no law regulating the status of refugees, and the Government has no policy on first asylum. The Government does little to assist refugees. The Constitution states that the State "may grant refuge to persons being persecuted in other

states for their political and religious convictions or on account of their nationality." The UNHCR estimates that there are 170,000 refugees in Belarus. Although the UNHCR reports that the delay in establishing a state migration service has made the life of these individuals "very difficult," there were no reports of forced expulsion of those having a valid claim to refugee status or of persons to countries where they feared persecution.

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

The Government severely limits the right of citizens to change their government. The 1994 Constitution calls for a republic with strong executive and legislative branches as well as an independent judiciary. The President controls the Cabinet of Ministers and appoints province governors, who in turn appoint local authorities. Presidentially appointed local officials, not the elected city councils, exercise power in municipalities. In practice the President restricted the activity and authority of the Parliament and the Constitutional Court and successfully resisted repeated attempts to confine his authority to constitutionally prescribed bounds.

During the November 9-24 period, the executive branch held a controversial constitutional referendum that was neither free nor fair. Many members of Parliament and of the Constitutional Court actively opposed Lukashenko's proposals for both substantive and procedural reasons. They asserted substantively that the referendum gave Lukashenko control over the legislative and judicial branches of government and extended his term in office; and procedurally that it was an unconstitutional means for eliminating the Constitution's checks and balances and granting the President virtually unlimited powers.

In the period leading up to the referendum, opponents of Lukashenko's proposals were denied access to the media, election officials failed to record the names of early voters, and no texts of the proposed constitution were made available to voters until several days after people began voting. As a result of these irregularities, the head of the Central Election Commission (CEC) announced prior to the event that he would not be able to certify the results of the referendum. President Lukashenko promptly fired him, although the Constitution in force at the time gave authority to appoint and dismiss the CEC chairman exclusively to the Parliament. Members of the security forces then forcibly removed him from his office. Shortly thereafter, the Prime Minister resigned in protest of President Lukashenko's refusal to cancel the widely criticized referendum.

Most of the international community chose not to send election monitors to observe the referendum, because of the illegitimacy of the entire process. Human rights organizations including the Lawyers Committee for Human Rights, the Committee to Protect Journalists, and Human Rights Watch protested the conduct of the referendum.

The Constitutional Court had ruled that the issues posed in President Lukashenko's referendum could not be legally decided through a referendum, and that its results should be purely advisory, consistent with the Constitution. However, after winning the referendum--according to the Government's results--President Lukashenko began to implement it immediately. The new Constitution establishes a bicameral legislature. Its 110-member lower house was formed out of the membership of the existing Supreme Soviet; deputies volunteered or were bribed by promises of free housing and other benefits to serve in the new body. The 64-member upper house was created by a combination of presidential appointments and elections by the 7 oblast councils and the Minsk City Council. Many electoral districts were left unrepresented in the new legislature as a result of the transition.

There are no legal restrictions on women's participation in politics and government. However, with the exception of the judiciary, social barriers to women in politics are strong, and men hold virtually all

leadership positions. Only 9 of the 199 members of the now defunct Supreme Soviet were women. Lukashenko has said that the new legislature should include 30 percent women. The President appointed a woman as chair of the National Bank, and there are two female ministers in the Government--the Ministers of Health and of Social Welfare.

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

Human rights monitors reported that the Government presented some obstacles when they tried to investigate alleged human rights violations. Belarus' human rights record drew the attention of many international human rights organizations, and there are several local human rights groups active in the country. In general, however, human rights monitors noted government willingness to discuss human rights, and international organizations were not hindered in visiting Belarus. The Ministry of Justice attempted to force the Belarus League for Human Rights to change its charter during the course of reregistration. However, the League argued that this effort was illegal, secured high-level support for this position, and continues to operate under its original registration.

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

The Constitution states that "all are equal before the law and have a right, without any discrimination, to equal protection of their rights and legitimate interests," but it does not specifically prohibit discrimination based on factors such as race, sex, or religion.

The Law on Citizenship, passed by the Parliament, grants citizenship to any person living permanently on the territory of Belarus as of October 19, 1991. Those who arrived in Belarus after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years. Parliament passed a new Law on Immigration and Migration in 1995 that provides numerical limits on new citizens but failed to budget funds for its implementation.

##### **Women**

Although statistics are not available, domestic violence against women is a significant problem. Knowledgeable sources indicate that police generally are not hesitant to enforce laws against violence and that the courts are not reluctant to impose sentences. The main problem, according to women's groups, is a general reluctance among women to report incidents of domestic violence.

The law requires equal wages for equal work, and in practice women are paid the same as men. However, they have significantly less opportunity for advancement to the upper ranks of management and government.

##### **Children**

The Government is committed to children's welfare and health, particularly as related to the consequences of the nuclear accident at Chernobyl, and, with the help of foreign donors, gives them special attention. The Government provides education; children begin school at the age of 6 and are required to complete 9 years, although the Government makes 11 years of education available. Families with children receive government benefits. A World Bank study found that the majority of those living in poverty are families with multiple children or single mothers.

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

### People with Disabilities

A law mandating accessibility to transport, residences, businesses, and offices for the disabled came into force in 1992. However, facilities, including transport and office buildings, often are not accessible to the disabled. The Government, facing a deteriorating economic situation, failed to budget sufficient funds to implement these laws. However, when the Government slashed subsidies for most sectors of society, most subsidies for the disabled remained in force.

### Religious Minorities

Societal anti-Semitism exists, but it is not usually manifested openly. Instances of anti-Semitism included the desecration of Jewish cemeteries and monuments in Gomel, Borisov, Minsk, and other cities. In addition state-owned newspapers have published anti-Semitic articles, and anti-Semitic incidents did not evoke a government reaction.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of workers rights, including the right to strike. However, these rights are not generally recognized in practice. The Government suspended the activities of the Free Trade Union of Belarus (SPB) in conjunction with a 1995 Minsk metro strike. International labor organizations, including the International Confederation of Free Trade Unions, joined Belarusian independent trade unions in presenting a case to the International Labor Organization, alleging violations of the right to strike, arrests of trade union leaders, and restrictive legislation on freedom of association.

The independent trade union movement is still in its infancy, and the Government is hindering its activities. Although several independent trade unions exist, the Belarusian branch of the former Soviet Union's All-Union Central Council of Trade Unions--currently the Federation of Trade Unions of Belarus (FTUB)--is by far the largest trade union organization. This trade union of 5 million members is not considered independent since it often follows government orders. However, one of the member associations of the FTUB, the Association of Independent Industrial Trade Unions of Belarus (AIITUB), has begun to break away from the progovernment line of the FTUB and is speaking out in defense of its members' rights.

Workers are often automatically inducted into the FTUB, and their union dues are deducted from their wages. Independent labor leaders believe that the official trade unions' control over social functions usually performed by the State (such as pension funds) is an obstacle to the growth of true, independent trade unions.

The two major independent trade unions are the Free Trade Union of Belarus (SPB) and the Belarusian Independent Trade Union (BNP). The BNP and the SPB formed the Congress of Free Trade Unions of Belarus, which coordinates the activities of the two largest unions of more than 16,000 members and serves as a resource center for the free trade union movement.

Although the SPB was reregistered following the 1995 Minsk metro strike, a presidential decree

"suspending the activities" of the SPB continues to prevent it from carrying out its functions. The Ministry of Justice circulated a letter to enterprises where the SPB has local unions instructing them that the SPB "does not have the right to act."

A strike planned for February 28 by the AIITUB to protest delays in paying workers' wages was forbidden by the President's administration and by the Minsk City Council, which claimed that "since workers' demands had been met," there was no reason to approve plans for the strike. Throughout the year, workers staged 1-day strikes to protest delays in receiving wages.

The SPB invited Polish Solidarity Chairman Marian Krzaklewski to Belarus to meet with workers at the Minsk automated lines plant, but Krzaklewski was denied access to the plant despite having a valid entry permit. Krzaklewski met with workers outside the territory of the plant on May 14. Shortly thereafter, he and two colleagues were detained, denied access to the Polish consul for several hours, and ejected from Belarus for "conducting an unauthorized mass meeting."

Unions may freely affiliate with international bodies.

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

Legislation dating from the Soviet era provides for the right to organize and bargain collectively. Since the economy is still largely in the hands of the State, unions usually seek redress at the political level. Workers and independent unions have recourse to the court system.

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

The 1994 Constitution prohibits forced labor, and it is not known to occur.

#### d. Minimum Age for Employment of Children

Current labor law establishes 16 years of age as the statutory minimum age for employment of children. With the written consent of one parent (or legal guardian), a child of 14 years may conclude a labor contract. Reportedly, the Prosecutor General's office enforces this law effectively.

#### e. Acceptable Conditions of Work

The President's administration sets a minimum wage, which was raised once in response to inflation. As of October 1, the monthly minimum wage was less than \$10 (120,000 Belarusian rubles). The minimum wage does not provide a decent standard of living for a worker and family.

The Labor Code sets a limit of 40 hours of work per week and provides for at least one 24-hour rest period per week. Because of the difficult economic situation, an increasing number of workers find themselves working considerably less than 40 hours per week. Factories often require workers to take unpaid furloughs due to shortages of raw materials and energy, and lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards are often ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations are often ignored. There is no provision in law allowing workers to remove themselves from dangerous work situations without risking their jobs.

[end of document]



[Return](#) to 1996 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.