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U.S. Department of State

Belarus Country Report on Human Rights Practices for 1997

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BELARUS

Belarus has a government in which nearly all power rests in the hands of the President. Since his election in July 1994 as the country's first President, Aleksandr Lukashenko has steadily amassed power. He held a November 1996 referendum to amend the 1994 Constitution, which broadened his powers and extended his term in office. The President ignored the then Constitutional Court's ruling that the Constitution could not be amended by referendum, and implemented the referendum's provisions. As a result of the President's actions, the Government and political system are based on the November 1996 version of the Constitution, which was adopted in an unconstitutional manner. Most members of the international community criticized the results of the flawed referendum because it violated fundamental democratic principles, and they do not recognize the legitimacy of the 1996 Constitution or the legislature. Although the 1996 Constitution provides for executive, legislative, and judicial branches it does not provide adequate checks and balances and, as a result, nearly all authority rests in the hands of the President. The President appoints the Cabinet of Ministers, the executive heads of the country's 6 provinces, and 6 of the 12 Constitutional Court Justices (including the Chair, as well as the Chairs of the Supreme and Supreme Economic Courts). Presidential decrees made when the legislature is out of session have the force of law, except--in theory--in those cases restricted by the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that President Lukashenko has broadly interpreted. Citing the referendum results, which created a bicameral legislature, President Lukashenko urged legislators to defect from the legitimate parliament, which he disbanded in November 1996. The acting legislature was not directly elected but was created out of the remnants of the former parliament through a combination of volunteers, presidential appointments, and regional council elections. The Constitution limits the legislature to meeting twice per year for no more than a total of 170 days. The judiciary is not

independent.

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

The economy grew in 1997, largely due to government credits to state enterprises. Economic experts do not consider this approach to growth sustainable over time. The Government continued limited, small-scale privatization, but did not take steps toward privatizing or restructuring large state enterprises. Most state enterprises and collective farms reportedly operate at a loss. The Government controls the prices of staple food products. The Government's exchange rate policy has resulted in a critical shortage of foreign currency reserves and stifled the export sector. Per capita gross national product was \$1,308 in 1996. Leading exports are transport vehicles, mineral products, and machinery. The majority of workers are employed in the industrial and agricultural sectors. While standards of living continue to decline for many segments of society, people sustain themselves through unreported economic activity and kitchen gardens.

The Government's human rights record again worsened significantly as the President continued to lead Belarus back toward Soviet-era authoritarian practices. The Government severely limits the right of citizens to change their government. Security forces reportedly beat detainees and prisoners regularly. Severe hazing in military units abated, but was not eradicated. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens.

Prolonged detention and delays in trials were common. The security services infringed on citizens' privacy rights and monitored the activities of opposition politicians and other segments of the population closely. Restrictions on freedoms of speech, the press, and peaceful assembly all increased and the Government did not respect freedom of association. Formations of MVD troops used force to break up political demonstrations and again made mass arrests.

International human rights monitors were closely monitored, and frequently harassed. Discrimination and domestic violence against women remained significant problems. Authorities continued to restrict workers' rights to associate freely and to organize and bargain collectively. The Government continued to restrict worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The 1996 Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman, or degrading punishment. However, police and prison guards reportedly regularly beat detainees. 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. However, human rights monitors credibly report that investigators coerce confessions using physical and psychological pressure. Although such behavior is against the law, the Government seldom, if ever, punishes people who commit such abuses. Guards used force against the detainees to coerce confessions as well as during routine activities.

In July and August, security forces detained seven employees of the Russian television station ORT, and charged them with attempting to illegally cross the Belarusian-Lithuanian border (see Section 1.d. and 2.a.) Two of the journalists, Russian citizen Anatoliy Adamchuk and Belarusian citizen Dimitry Zavadsky, sent purported confession letters to President Lukashenko, but after their respective releases, each claimed that the letters were written under duress and psychological pressure.

The Ministry of Defense announced in 1996 that "dedovshchina," the practice of hazing new recruits, would no longer be tolerated. This practice of severe harassment and physical abuse of new draftees by senior soldiers to maintain strict discipline has abated, but human rights groups continue to receive some reports that hazing continues and that the military does not consistently punish offenders.

Prison conditions are poor, and are 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, according to human rights monitors. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to declining health while they awaited trial.

Former National Bank Chairwoman Tamara Vinnikova's attorney reported that Vinnikova suffered from a serious kidney ailment and cancer. Vinnikova, who had been detained since January without formal charge (see Section 1.d. and Section 5), petitioned to seek treatment at a facility other than the KGB prison clinic, which is regarded as inferior to other hospitals (see Sections 1.d. and 1.e.). She was released from detention in November but remains under house arrest.

Prison officials refused proper medical treatment to Albert Lavrenev, a Jewish doctor, detained between July 1996 and August 1997 on the charge of complicity in the murder of his elderly neighbor (see Section 1.e. and Section 5). According to his family and local human rights observers, Lavrenev's shoulder was broken by prison guards while he was in detention; he also had a kidney ailment. With Lavrenev's health in serious jeopardy, a judge released Lavrenev in August pending a new trial.

Human rights monitors were granted access to observe prison conditions, though the Government did not honor some requests to meet with individual prisoners.

d. Arbitrary Arrest, Detention, or Exile

Belarus has only slightly amended its Soviet-era law on detention. Security forces arbitrarily arrested and detained citizens, most often in connection with demonstrations, some of which were not authorized. The Criminal Procedure Code provides that police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator deems the detention legal, a suspect can be held for a maximum of 10 days without formal charge. However, usually, once the decision is made to hold a suspect, a formal charge is made. Once a suspect is charged, a trial must be initiated within 2

months, although in some cases the Procurator General can extend pretrial detention to 18 months to allow for further investigation. Alternatively, a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on the pretrial investigation. The law allows detainees the right to apply to the court (rather than the procurator) to determine the legality of their detentions. In practice, however, suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because the detainees are at the mercy of investigators and detention officials are unwilling to forward the appeals. According to the Belarusian Helsinki Committee, there are 65,000 persons in detention; no statistics are available as to the number of persons who are in pretrial detention and the length of their detentions.

By law detainees may be allowed unlimited access to legal counsel and, for those who cannot afford counsel, the court appoints a lawyer. However, investigators routinely fail to inform detainees of their rights and conduct preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained is then used against the defendant in court.

Prisoners and lawyers both report restrictions on consultations. In August investigators reportedly confiscated notes taken by an attorney during a private meeting with her client, Dimitry Zavadsky, a journalist for Russian television who was detained and charged with illegally working on crossing the Belarusian-Lithuanian border while doing a news story about the border. (See Section 2.a.)

There were hundreds of political detainees during the year. Most were peaceful participants in antigovernment demonstrations who were held anywhere from several hours to several days. The police also detained journalists (see Section 2.a.). Throughout the spring, unidentified, nonuniformed officials working for the security services apprehended participants in antigovernment demonstrations (see section 2.b.). There are credible reports that officers, who presumably worked for the security services, infiltrated the antigovernment demonstrations, and provoked incidents that leading to clashes with security forces. Security forces were then given signals indicating which demonstrators to follow in order to apprehend them at their homes.

Security forces occasionally preemptively apprehended organizers and individuals considered to be potential participants prior to demonstrations, including those that had been sanctioned by the Government (see Section 2.b.). On February 13, militia officers detained Vitaly Umreiko, a member of the youth wing of the Belarusian Popular Front, and reportedly sentenced him to 5 days in prison for his alleged failure to pay a fine for a past offense. The militia reportedly offered to release him if he promised to urge participants in the following day's antigovernment protest to disperse.

On April 2, police forcibly detained former chairman of the Supreme Soviet Stanislav Shushkevich while he was on his way to an art exhibit, apparently because they mistakenly assumed that he would take part in a simultaneous antigovernment demonstration occurring elsewhere in the city.

In May police detained two students from the Belarusian Humanitarian Lyceum who happened to be in a location where an unauthorized political meeting was scheduled to be held. Police reportedly attempted to coerce the students to sign a statement attesting to their participation in an unsanctioned demonstration.

Following demonstrations, police held many detainees incommunicado. Police did not allow detainees who participated in demonstrations, including minor children, to inform their families of their whereabouts. Due to the large numbers of detainees after antigovernment rallies, police moved detainees outside of the district where alleged offenses took place, in violation of the law. Noting this trend, the Belarusian Helsinki Committee began to send monitors to all of the Minsk area detention facilities after

demonstrations to ascertain which persons had been picked up and inform their families.

Following the March 15 demonstration marking the anniversary of the adoption of the superseded 1994 Constitution as a protest against the implementation of the 1996 Constitution, police officers attempted to detain the organizers of the event. They went to opposition leader Gennadiy Karpenko's home, but Karpenko refused to allow the officers in, citing a provision of the law that allows citizens to deny police entry after 10:00 p.m. The following day, police officers returned to Karpenko's home with dogs, but he was not there. On March 17, Karpenko telephoned for an ambulance because he was suffering from high blood pressure. The police, who apparently were monitoring Karpenko's telephone or home, used the opportunity to enter his apartment in another attempt to arrest him and demand that he sign a confession that he had organized an unauthorized demonstration. A doctor confirmed that Karpenko required hospitalization, and he remained in the hospital with a police guard for over a week.

According to the Belarus League for Human Rights, on May 1, police detained Vladimir Lysko for participating in an antigovernment rally on March 23 and for allegedly resisting arrest, despite the fact that Lysko had already been fined for the same charge.

In addition to the hundreds of antigovernment protesters who were held for several hours or days, there were several prominent political detainees who were held for as long as 10 months. In June poet Slavomir Adamovich, who was detained in 1996 and accused of inciting a terrorist act with the publication of his poem "To Kill A President," was sentenced to 10 months in prison (see Section 2.a.). The court ruled that the poem was not intended to incite a terrorist act, but determined that it was insulting to a government figure. The court determined that the 10 months Adamovich spent in pretrial detention counted against his sentence and he was released.

Former National Bank Chairwoman Tamara Vinnikova was arrested in January on allegations of malfeasance during her previous tenure as head of a state bank. The timing of her arrest, coinciding with her increasing public challenges to Lukashenko's economic policies, suggested a political motivation. It is also widely believed that the presidential administration was already aware of the alleged illegal acts at the time of her appointment as national bank chairwoman. Moreover, during the course of her 10-month detention her health seriously declined, but until November the court repeatedly denied her appeals for release to seek proper medical treatment on a pledge not to flee.

In August police in the town of Stolptsy detained students Alexei Shidlovskiy (22 years old) and Vadim Labkovich (16 years old), both members of the youth branch of the opposition Belarusian Popular Front (BNF), for "malicious hooliganism." The pair are accused of spray painting "Long Live Belarus" and antipresidential slogans on walls in the town. They are also accused of replacing the state flag with the white-red-white banner of independent Belarus on several buildings. Despite the nonviolent nature of the alleged crime (and despite the fact that Labkovich is a minor), both were denied release pending trial. According to credible human rights monitors, Shidlovsky's wife, Ina Pemenava, was threatened by the KGB and coerced into accusing a prominent BNF leader of raping her; otherwise, the KGB reportedly warned, she never would see her husband alive. After the retraction, she was threatened with expulsion from her university (see Section 2.b.). Shidlovsky and Labkovich remained in pretrial detention at year's end.

On December 20, 1996, the Government granted amnesty to five of the seven Ukrainian nationalists who were detained in conjunction with an April 26, 1996, antigovernment rally, and released the other two in January 1997 after a court reduced their sentences to time already served.

Police also detained and coerced a number of journalists. Pavel Sheremet and Dimitry Zavadsky, both

Belarusian citizens working for the Russian television network ORT, whose reporting was critical of the Government, were apparently detained for political reasons. In July security forces detained the pair, along with two of their colleagues and charged them with illegally attempting to cross the Belarusian-Lithuanian border. They had been working on a news story about the border (also see Sections 1.c. and 2.a.). In August a second ORT crew was detained on the same charge.

Exile is not expressly forbidden in the 1996 Constitution, but it is not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice 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 major structural reforms, the independence of the judiciary cannot be realized. The November 1996 constitutional referendum further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the Chairman. The remaining six are appointed by the Council of the Republic, which itself is composed of individuals appointed by the President or elected by individuals influenced by the President. The President also appoints the Chairmen of the Constitutional Court, the Supreme Court, and the Supreme Economic Court. The President also has authority under the Constitution to appoint and dismiss all district and military judges.

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 the passage of the new Constitution, including direct presidential appointments. A Constitutional Court was established in 1994 to adjudicate serious constitutional issues but, dependent on the executive branch, it does not challenge presidential initiatives. In addition, the Constitutional Court has no means to enforce its decisions.

Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt. Judges are dependent on the Ministry of Justice for sustaining the court infrastructure and on local executive branch officials for providing their personal housing. In addition, judges owe their positions to the President. Although the procurator's office categorically denies it, "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) is widely reported to continue.

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, is appointed by the Council of the Republic.

Partly in ostensible response to allegedly exorbitant defense attorneys' fees, President Lukashenko issued a decree (number 12) in May which, according to international legal experts and human rights monitors, seriously compromises the independence of lawyers from the Government. The decree subordinates all lawyers to the Ministry of Justice, which now controls the licensing of lawyers. As a result of this decree, several lawyers, including President Lukashenko's political opponents (such as former Chairman of the Supreme Soviet Mecheslav Gryb) were stripped of their licenses.

The Constitution provides for public trials, although exceptions can be made in cases established by law (for example, in cases of rape or on grounds of national security). Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf. However, these rights

are not always respected in practice. Defendants' legal right to be represented by counsel is also not always respected in practice. While the 1996 Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence.

Trials for those detained on misdemeanor charges following antigovernment protests throughout the spring (see Section 1.d.) were subjected to assembly-line style trials, without the right to counsel or the opportunity to present evidence or call witnesses. In criminal cases, the prosecution has the right to appeal a not-guilty verdict to a higher court. In at least one case, the pressure to appeal appeared to be applied by external forces in what appears to be a vendetta against a defendant (see Sections 1.c, 1.e, and 5.).

Both defendants and prosecutors have the right of appeal, and most criminal cases are appealed, according to legal sources. In appeals, neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Appeals rarely result in reversals of verdicts. The law allows persons who have been acquitted of a crime to be retried by a higher court for the same charge.

Despite a lack of credible evidence, police detained Albert Lavrenev, in July 1996 and charged him with arranging the mortal beating of his elderly neighbor (see Sections 1.c. and Section 5). A lower court convicted Lavrenev in September 1996. Upon Lavrenev's appeal, the Supreme court ruled that the trial had many procedural violations and ordered a new trial. The lower court repeatedly delayed the new trial, allegedly in order to allow further investigation. In the meantime, Lavrenev's health seriously declined due to beatings by prison guards while in detention. His petitions to be released with a pledge not to leave Minsk were denied. The State based its case almost entirely on the testimony of the victim's son, who recounted what he alleged that his mother had told him following the beating. At the new trial in July, however, medical experts testified that the victim could not have communicated an identification of her attacker due to the severity of her injuries. The judge ruled that another panel of medical experts should review the case, but he released Lavrenev pending the next trial. Lavrenev was acquitted in November but under obvious pressure from the deceased's family, at year's end the case was being appealed to the Supreme Court.

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 continued unabated. The KGB is widely believed to enter homes without warrants, conduct unauthorized searches, and also to read mail. Political, human rights, and other nongovernmental organizations believe that their conversations and correspondence are routinely monitored by the security services. Opposition figures have reported a reluctance to visit some foreign embassies for fear of reprisal.

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. Militia assigned to stand post outside diplomatic missions are known to keep records of visits by political opposition leaders.

In September a Ministry of Foreign Affairs official told an NGO representative of the Belarusian Soros Foundation, that the Ministry knew of a decision made at a private meeting in Minsk between the OSI and BSF representatives to close the Soros Foundation, even before the OSI or the BSF told the Ministry or made the news public.

Nearly all opposition political figures assume 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.

In March the Ministry of Communications renegotiated contracts for supplying telephone service. The new contracts forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the right to terminate telephone service to those who breach this provision. There are no known instances of the Ministry invoking this provision.

In March a new government decree prohibited the import of printed, audio, and video news material (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, as well as the freedom to receive, retain, and disseminate information, but the Government restricts these rights in practice. The executive branch continued its suppression of freedom of speech through a decree limiting citizens' right to express their opinions. Although the Constitution prohibits monopoly of mass media, the Government also continued to severely restrict the right to a free press through near-monopolies on the means of production and on national level broadcast media, and by denying accreditation to journalists critical of the regime. The Government also kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements and evicting newspapers from their offices. Employees at state-run enterprises are discouraged from subscribing to independent journals.

In December 1995, on instructions from President Lukashenko, the state publishing house refused to renew printing contracts with the four leading independent newspapers, which prompted them to publish in Lithuania. Although the state publishing house has since offered to publish these independent newspapers, they continue to use firms in Lithuania.

In January 1996 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. These decrees remain in effect.

A presidential decree (number 5), issued in March prohibits a range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not officially registered with the State, as well as "emblems, symbols, and posters whose content is intended to harm the State and public order, rights, and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of State bodies."

Following the spring demonstrations, there were credible reports that individuals were detained and

fined for violations of the decree's provisions against displaying unregistered symbols. The decree effectively bans the display of the white-red-white flag that was the first independence-era national flag. Police detained several soccer fans carrying the white-red-white flag after a June match. In addition, at least one man was arrested for carrying a European Union flag at an antigovernment rally.

In March the State Committee for the Press suspended the issuance of licenses, pending amendments to the laws governing the issuance of permits both for publishing and for purchasing printing equipment. Since the promulgation of the new law in July, there were no reports that licenses were denied.

In March the Council of Ministers issued a decree (number 218) that prohibited and restricted the movement of goods across the customs border. The decree specifically prohibits the import and export of printed, audio, and video materials or other news media containing information that could damage the economic and political interests of the country. Although it has not been widely enforced, the decree targets, among others, those independent newspapers that publish in Lithuania. Even prior to the decree's entry into force, members of the State Security Committee confiscated the independent newspaper Belarusian Business News at the Lithuanian border; following an inspection, the authorities allowed the newspaper to be delivered to Minsk. On March 25 border guards detained for several hours the editor of the independent newspaper Narodnaya Volya, who was returning to Belarus from Lithuania with the day's edition of the newspaper.

In March security personnel at the Belarusian-Lithuanian border prevented a crew from the Russian television network NTV from taking a videotape into Lithuania for transmission to Moscow (earlier the state broadcasting facility banned the crew from transmitting the video material from Minsk).

Independent newspapers are widely available in Minsk, but outside of the capital most towns carry only the local newspapers (some of which are independent). The publisher of a leading independent newspaper received a grant from a foreign organization to establish an alternative, private distribution system so that independent publications do not have to rely on the state.

Russian television stations rely on the Belarusian Television and Radio (B-TR) broadcasting facility to transmit material to Moscow. On several occasions, B-TR refused to transmit video material for Russian television stations. According to NTV, in March a representative of the presidential administration instructed crews from Russian television networks in Minsk not to transmit footage of opposition marches and rallies. Subsequently, the day after a demonstration, security guards denied the Russian television crews access to the B-TR facility. NTV also claims that a B-TR internal instruction requires B-TR officials to preview material before it is transmitted abroad. It is unclear if this is done in practice.

A July Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for reaccreditation with the Ministry of Foreign Affairs; the application form for accreditation requests biographic information, as well as a record of the applicant's journalistic activity. Journalists who are residents of Belarus are also required to register with the state tax authorities. The results of the decree are still unclear, although at year's end it does not appear that the Government has used the decree as a tool to exclude certain journalists.

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.

The nationalist poet Slavomir Adamovich was detained in April 1996 for publishing a poem titled "To Kill a President," and was originally charged with inciting a terrorist act. In June the court convicted him

of insulting a state official, although nowhere in the poem does Adamovich name any specific president. In addition, the court also convicted him for attempting to cross a state border (he attempted to flee the country when released pending trial). The court ruled that the time Adamovich served in pretrial detention constituted fulfillment of his sentence.

In September the State initiated an investigation against Central Election Commission Chairman Victor Gonchar, charging that Gonchar defamed the President in his report on Lukashenko's (and the Government's) violations of the 1994 Constitution during the 1996 referendum.

In February the upper house of the acting legislature denied reporters for Radio Liberty, Reuters, the Latvian newspapers *Belaussian Business News* and *Free News Plus* access to a press conference, despite the fact that the journalists were properly accredited.

Grodno municipal authorities, who work directly for the President under his "vertikal" (from the top down) power structure, canceled a lease agreement with the independent newspaper "Pagonya" in April, evicting the newspaper from its office. As compensation the municipal authorities offered to move the newspaper to a dilapidated space with no plumbing or communications connections.

On several occasions in the spring, police beat and detained journalists covering antigovernment demonstrations (see Sections 1.c. and 1.d.). At an April 2 unauthorized demonstration to protest the signing of a union treaty with Russia, riot police beat several journalists, three of them severely, according to a report by the human rights group Article 19. Journalists also reported on several occasions that police destroyed or confiscated their photographs and video material. In some cases, police charged journalists covering demonstrations with violating public order.

In October two unidentified men abducted Oleg Babenin, a correspondent for the independent newspaper *Imya*, and took him outside Minsk, where they beat him. They warned Babenin to cease his critical articles about the authorities. In November the editor of *Imya* received a warning that satirical collages appearing in several issues of the newspaper defamed the president, and the newspaper could be stripped of its license. At year's end, *Imya's* attorney continued to appeal the charges, but the newspaper ceased printing the collages due to fear of further reprisals.

Also in November, the state Press Committee issued two warnings to the largest independent *Svaboda*, alleging that several articles violated the law by aiming to incite social unrest. After 15 minutes of deliberation, the Supreme Economic Court in December ruled to close *Svaboda*. At year's end, an appeal was pending.

In December unknown assailants attacked film director Yuriy Khashchevatsky in his studio. The attack is credibly believed to be in response to Khashchevatsky film, *An Ordinary President*, a critical, satirical portrait of President Lukashenko. The Government has banned the film; in January human rights monitors reported that militia broke into a private cable company studio in Grodno and detained the cameraman after the film was aired.

In December customs officers at the Belarusian-Polish border confiscated materials documenting human rights violations from Viktor Ivashkevich, the editor of the *Free Trade Union* newspaper, *Rabochy*. Ivashkevich intended to present the materials at a press conference in Warsaw.

Belarusian Television and Radio maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting biased in favor of the Government, and refused to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas, and

were relatively unimpeded in reporting on local news. However, some of these stations reported that they were under pressure not to report on national level issues, or were subject to censorship.

The Government did not reopen Radio 101.2, the sole Belarusian language independent station that authorities shut down in 1996. President Lukashenko offered to transfer Radio 101.2 to a government-subsidized presidential youth organization, the Belarusian Patriotic Union of Youth (BPUY), but the group had not taken over the frequency at year's end.

In March the Ministry of Foreign Affairs followed through on earlier threats by stripping Russian Television Network NTV correspondent Alexandr Stupnikov of his accreditation. An outspoken critic of the President, Stupnikov was accused by the Government of "tendentious" reporting and expelled 4 days after losing his accreditation. (see Section 5.).

In July the Ministry of Foreign Affairs revoked the accreditation of Pavel Sheremet, a Belarusian citizen and bureau chief for the Russian public television network (ORT) in Minsk, following his critical commentary on the Government's expenditures for the July 3-5 National Day and Minsk's 930th anniversary celebrations. The Government also accused Sheremet of having a history of tendentious reporting. On July 22, the authorities detained Sheremet and three other ORT employees who were attempting to film an unguarded section of the Belarusian-Lithuanian border. After paying a fine, the four were released. On July 26, they were again detained, this time charged with illegally attempting to cross the border. The Government accused ORT managers of engineering a provocation. In August the authorities detained four other ORT employees for attempting to film in the same area as Sheremet. Following confessions by two of the men (which both later said were coerced) and Russian Government intervention, all but Sheremet were released by September 5. The authorities released Sheremet in October, after Russian President Yeltsin exerted pressure on Lukashenko. Sheremet and Zavadsky went on trial in December and were still on trial at year's end.

In March the Government expelled a foreign diplomat who had been monitoring a public protest for allegedly taking part in an antigovernment rally.

The observance of academic freedom is mixed. University students and academics are free to pursue virtually any course of study or research. However, once a course of study is chosen, state university students must follow a prescribed curriculum.

Throughout the year, the Government harassed students engaged in antigovernment activities, such as demonstrations. There were reports that state universities expelled students for their political activities. The pro-presidential, government-funded youth organization, the Belarusian Patriotic Union of Youth, served as the regime's watchdog against antigovernment activities. Moreover, there are reports that members of the BPUY received preferential treatment at state schools.

In April the Council of Ministers issued a decree effective as of the 1997-98 academic year requiring students who receive free university education from the State to accept jobs assigned by the Government upon graduation.

The Government continued to close schools that teach in the Belarusian language. According to the Belarusian League for Human Rights, there are now less than half the number of schools teaching in the Belarusian language than in 1991. In August a Grodno court ruled that although Belarusian and Russian languages are granted equal status as state languages by the Constitution, the school system is not obligated to provide education in the Belarusian language.

In August the Government agreed to allow the Belarusian Humanities Lyceum (the only Belarusian language high school in Minsk) to continue occupying its current premise for another year, following protests by parents angry at a plan by the presidential administration to take over the building.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice. Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision not later than 5 days prior to the scheduled event.

In March President Lukashenko issued a decree (number 5) to regulate what he termed the "orgy" of street protests taking place. The decree further limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to put strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the acting legislature, imposes severe penalties on those who violate the law, particularly the organizers of events. The courts punished organizers of rallies with fines of \$800 to \$1,000, which are exceptionally high in a country where the average monthly wage is under \$100. Although the decree allows for either monetary fines or up to 15 days' detention, the courts frequently imposed the fines knowing that those convicted could not pay. When individuals failed to pay fines, authorities threatened to confiscate their property. Although assessments were made, there are no known instances of property actually being confiscated as of year's end.

Public demonstrations occurred frequently but always under strict government control; some demonstrations and marches, usually unsanctioned, ended with police beatings, mass detentions, and assembly-line trials. When force was used against demonstrators, it is unclear to what degree the demonstrators themselves may have provoked such a response. However, there were credible reports that the security services placed plainclothes provocateurs in the crowds (see Section 1.d.).

Throughout the spring police used force to disperse demonstrators. On February 14, riot police used truncheons and tear gas against students attempting to march through Minsk to deliver statements to foreign missions in support of Belarusian integration into Europe. Minsk city authorities permitted a rally on March 10 to oppose integration with Russia, but limited participation to 40 people. Nearly 1,000 people turned out, prompting police to forcibly disperse the crowd.

On March 14, riot police deployed and prevented students from marching to foreign missions in Minsk to express support for a democratic Belarus integrated into Europe. Police used bullhorns to remind the assembled marchers that the Minsk city authorities had denied permission for the gathering. Security forces randomly detained nonparticipants who were in the vicinity of the gathering, including foreign residents and journalists, as well as an elderly woman who was collecting bottles.

On March 23, antigovernment protesters marched along one of Minsk's main thoroughfares without permission. Riot police deployed to block the marchers' path, resulting in violence between the security troops and protesters that reportedly resulted in some injuries (although it is unclear who started the fighting). Following the 10-minute confrontation, police allowed marchers to assemble peacefully at an approved location for a sanctioned rally.

On April 2, following a peaceful, though unsanctioned, demonstration against the signing of a union treaty with Russia, protesters marched without permission toward the Russian embassy, where they were

met by riot police who used truncheons to disperse the crowd. Police beat journalists and at least one elderly woman. President Lukashenko responded to the television footage of police beating the elderly woman by publicly claiming that the victim in fact was a young man (disguised as a woman) intent on throwing rocks at the police. In September a court fined Nikolai Statkevich over \$1,000 (Belarusian rubles 27,663,000) for organizing an unauthorized rally on July 27, the anniversary of the declaration of Belarusian sovereignty. Statkevich argued that he had proceeded with the rally because he had petitioned the Minsk city authorities for permission in accordance with the law, but the city had not denied the petition within the time prescribed by law.

The Constitution provides for freedom of association; however, the Government does not 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 joining independent trade unions, and the Ministry of Justice long denied registration to the Congress of Independent Trade Unions (see Section 6.a.). Only in late December did the Government, under considerable international pressure, order the Ministry of Justice to register the Congress of Independent Trade Unions and lift the 1995 ban on the Free Trade Union (see Section 6.a.). The Government regularly used the nationalist Belarusian Popular Front as a scapegoat, raided its headquarters, and confiscated leaflets that would have publicized unsanctioned rallies. Government officials warned alumni of foreign-sponsored education programs against continued affiliation with their program's sponsoring agency or embassy.

In September there were 36 registered political parties, 41 registered trade unions (9 of which label themselves as free, independent, and democratic), and 1,963 registered social organizations. A 1995 decision by the Ministry of Justice required existing public associations to reregister. During the reregistration process, the Ministry sometimes found cause to deny reregistration to nongovernmental organizations. According to the Belarus League for Human Rights, some government officials admitted that the process was illegal and that they, therefore, had allowed some groups to continue operating under their original registration.

The Government attempted to limit severely the activities of nongovernmental organizations (NGO's), primarily through intrusive and questionable tax audits and intimidation of employees. In March following the expulsion of the U.S.-citizen director of the Belarusian Soros Foundation for allegedly engaging in political activity, the Security Council announced audits against the Belarusian SOROS Foundation (BSF), the East-West Center for Strategic Initiatives, and the Children of Chernobyl. Under the Law on Public Associations, the Security Council is not authorized to initiate such audits. In April the Government announced a \$3 million fine against the BSF for alleged tax and currency law violations. The Government also started criminal investigations against BSF employees. As a result of the Government's campaign of harassment against the BSF, the Foundation closed in September. The Government subsequently began investigating Belarusian NGO's associated with the BSF.

c. Freedom of Religion

The Constitution provides for freedom of religion, however, the Government restricts this right in practice. A 1995 Cabinet of Ministers decree controlling religious workers as a means of attempting to protect orthodoxy and prevent the growth of evangelizing religions is enforced. Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the government views as "nontraditional" religions, which include Protestant faiths. In September a Belarusian Baptist pastor was arrested for allowing an American to lead a prayer group under the pastor's auspices. The pastor was released, but a fine was pending at year's end. Bible study meetings involving foreigners were raided. An August Council of Ministers' directive prohibits teaching religion at youth camps. 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.

The Government and the President encourage a greater role for the Orthodox Church, largely as part of an overall strategy to strengthen Slavic unity in the region. The effort, however, has not slowed the growth of Roman Catholic and Protestant churches. The President granted the Orthodox Church special tax and other financial advantages, which other denominations do not enjoy and has declared the preservation and development of Orthodox Christianity a "moral necessity." Bishops must receive permission from the State Committee on Religious Affairs before transferring a foreign priest to another parish.

Restitution of religious property remained limited in 1997. A key obstacle is the lack of a legal basis for restitution of property that was seized during the Soviet era and the Nazi occupation. The few returns of property to religious communities have been on an individual and inconsistent basis. Over the past several years, the Jewish community has successfully lobbied the Government to return three synagogues in Minsk and several buildings outside the capital. Following extensive renovations, the Catholic community in October rededicated a cathedral in Minsk that had been returned in recent years. In an address to the Parliament, the Orthodox Patriarch urged the Government to move quickly to return religious 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 other regional centers, 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. These conflicting requirements limit citizens' freedom of movement.

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.

Following the dissolution of the Supreme Soviet in 1996, the Government took measures aimed at limiting the travel of opposition politicians who refused to submit to the legislature created by the November 1996 referendum. The Ministry of Foreign Affairs announced in December 1996 that those parliamentarians who did not join the new legislature could no longer travel on their diplomatic passports, despite the fact that these individuals had been guaranteed that they would retain their status as deputies until their terms of office expired. Although the diplomatic passports were not confiscated, the border guards reportedly had a blacklist of opposition members who were to be denied exit from the country if they used a diplomatic passport. In January the border guards refused to grant permission to travel abroad on their diplomatic passports to former Supreme Soviet Chairman Stanislav Shushkevich and Anatoliy Lebedko, both members of the disbanded parliament. A number of members of the disbanded parliament have since acquired regular passports and been allowed to travel abroad.

According to official data, the State did not deny any citizen 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 Constitution gives aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The Constitution also allows the State to grant refuge to persons being persecuted in other states for their political and religious convictions, or because of nationality. The Government does not have a law on first asylum, nor has it signed readmission agreements with any of its neighboring states.

The Government cooperates with the United High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In May the Government implemented for the first time its 1995 Law on Refugees, granting refugee status to a group of Afghans. By year's end, the Government had granted official refugee status to 30 people and had offered assistance in locating housing and jobs.

The UNHCR estimates that there are 36,000 potential asylees and 200,000 illegal aliens 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 persons having a valid claim to refugee status, or of persons to countries where they feared persecution. In one case, an undocumented Afghan who had been illegally living in Belarus traveled to Uzbekistan, where he was detained by Uzbek authorities. Faced with his deportation to Afghanistan, the Belarusian Government agreed to allow the man back into the country.

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. From November 9-24, 1996, the executive branch conducted a controversial constitutional referendum that was neither free nor fair, according to credible international observers, including representatives of the European Union and the Organization for Security and Cooperation in Europe (OSCE). Many members of Parliament and of the Constitutional Court actively opposed President Lukashenko's proposals for both substantive and procedural reasons. The justices asserted that the referendum gave Lukashenko control over the legislative and judicial branches of government and extended his term in office, criticized it on procedural grounds as an unconstitutional means to eliminate the Constitution's checks and balances and grant the President virtually unlimited powers.

In the period leading up to the referendum, opponents of President 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 the Parliament the exclusive authority to appoint and dismiss the CEC Chairman. Members of the security forces forcibly removed the head of the CEC from his office. Shortly thereafter, the Prime Minister resigned in protest of President Lukashenko's refusal to cancel the widely criticized referendum.

Most members 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 formally 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 established a bicameral legislature. Its 110-member lower house was formed out of the membership of the existing Supreme Soviet; deputies volunteered or were lured 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 six oblast councils and the Minsk City Council. The transition left 86 electoral districts unrepresented because the new Constitution reduced the number of representatives, and also because a full Supreme Soviet had never been seated, largely due to the executive branch's intervention in the 1995 elections.

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. In the acting legislature, women hold 19 of 110 seats in the upper house and 5 of 64 in the lower house. The Deputy Chair of the upper house is a woman. The Minister of Social Security is the only female member of the Council of Ministers.

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

Belarus's worsening 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, human rights monitors noted the Government's willingness to discuss human rights, and international organizations were not hindered in visiting Belarus. However, human rights monitors reported that the Government presented obstacles when they tried to investigate alleged human rights violations. The Government monitored their correspondence and telephone conversations. Members of the Belarusian Helsinki committee were occasionally arrested while observing demonstrations. One human rights monitor was punched and threatened after trying to gather information on a trial. Another was arrested in October while on a human rights fact-finding mission, but was subsequently released. Border guards confiscated video material from a foreign member of Human Rights Watch/Helsinki.

The Ministry of Justice claimed that the Belarusian League for Human Rights (BLHR) was not properly registered for a period of almost 2 years. In September a group of former BLHR employees, with the complicity of the militia, raided the BLHR office, which also served as home to the BLHR chairman Evgeny Novikov who is an outspoken critic of the Government and who has presented his findings internationally. Within days the BLHR was reregistered under this new group. The group accused Novikov of embezzling grant money from the European Union's Technical Assistance to the CIS (TACIS) fund, while Novikov countercharged that this group tried to blackmail him. In November a police investigator beat Novikov in an attempt to force a confession to charges of wrongdoing made against him by the new BLHR.

The European Union (EU), the Council of Europe (COE), the European Parliament, and the OSCE sent delegations to Belarus to observe the human rights situation and discuss the Government's failure to adhere to democratic principles. EU-mediated talks between the Government and political opposition broke down over what the EU termed the Government's obstructive attitude. In December the Government agreed, after long resistance, to the establishment of a resident OSCE Advisory and Monitoring Group in Minsk.

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

The Constitution states that all citizens 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. The 1995 Law on Immigration and Migration provided numerical limits on new citizens but the Parliament again failed to budget funds for its implementation.

Women

Although statistics are not available, domestic violence including spousal abuse against women is a significant problem, according to women's groups. There are laws against spousal abuse. Knowledgeable sources indicate that police generally are not hesitant to enforce the laws against domestic 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; however, such is not always the case in practice. Women have significantly less opportunity for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job opportunities.

The level of education of women is higher than that of men. Women make up 58 percent of workers with a higher education and 66 percent of workers with a specialized secondary education. Despite the higher level of education, women are employed in lower paying fields, such as health care and education. In these sectors, between two-thirds and three-fourths of the employees (mostly women) are living beneath the official poverty level. Women are equal to men before the law with regard to property ownership and inheritance.

There are active women's groups, most of them focusing on issues such as child welfare, environmental concerns (in the aftermath of Chernobyl), and preserving the family. A private university in Minsk established the country's first gender-studies faculty this year.

Children

The Government is committed to children's welfare and health, particularly as related to the consequences of the nuclear accident at Chornobyl, and, with the help of foreign donors, gives them special attention. By law everyone is entitled to health care, including children. Children begin school at the age of 6 and are required to complete 9 years, although the Government makes 11 years of education available at no cost. Higher education is also available at no cost on a competitive basis. Families with children receive token 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 1992 law mandated accessibility to transport, residences, businesses, and offices for the disabled;

however, facilities, including transport and office buildings, often are not accessible to them. 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. Senior Government officials, including the President, and the State media used coded anti-Semitism in their attacks on perceived opponents. At the time of former National Bank Chairwoman Tamara Vinnikova's arrest in January for alleged malfeasance (see Sections 1.c. and 1.d.), the state media made insinuations about a previous trip to Israel. In March the President and media highlighted journalist Aleksandr Stupnikov's Israeli citizenship when accusing him of tendentious reporting and expelling him from the country. President Lukashenko complained to the Russian Duma about Stupnikov's reporting, saying that the Russian television network NTV for which Stupnikov worked "did not find anything better than sending an Israeli citizen as its correspondent in Belarus." In addition, authoritative government officials and media cited "certain forces" (a term usually understood to be a reference to Jews) as being behind what the Government regarded as a provocation by Russian television network (ORT) managers. The largest shareholder of ORT is Jewish.

On January 1, the weekend home of the editor of a Jewish newspaper was burned down and the following day unknown persons painted swastikas and other Nazi emblems on the door of his apartment. It is unclear whether the house burning was an anti-Semitic act, an accident, or an act of revenge against the editor's son, who allegedly has ties to the Mafia.

Albert Lavrenev (see Sections 1.c., and 1.e.) was the victim of an unfair legal process. Based on all available evidence presented at his trials and gathered by human rights monitors, it appears that Lavrenev's case was initiated as a result of his neighbors' anti-Semitism. The neighbors previously had harassed Lavrenev and his family with anti-Semitic remarks and, in searching for someone to blame for the murder of their mother, chose Lavrenev without credible evidence to support their accusation.

A report by the Belarus League for Human Rights noted that individuals associated with the deceased woman threatened the Lavrenevs, using anti-Semitic epithets. As a result of this harassment, the Lavrenevs sent their daughter to live with a relative out of fear that the neighbor would harm her. According to Lavrenev, local investigating officers used anti-Semitic epithets during his interrogation.

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 worker rights, including the right to strike. However, these rights are not recognized in practice. The independent trade union movement is still in its infancy. The Belarusian Free Trade Union was established in 1991 and registered in 1992. Following the 1995 Minsk Metro workers strike, the President issued a decree suspending its activities. In 1996 the Free Trade Union leaders formed a new umbrella organization, the Congress of Democratic Trade Unions (encompassing four leading independent unions), with over 20,000 members. The government has taken measures to suppress independent trade unions. For example, members of independent trade unions have been arrested for distributing union literature, had material confiscated at the borders (see Section 2.a.), and have been pressured by their managers and

state security services to resign from their jobs because of their trade union activities.

For most of the year, the Government continued its illegal ban on the Free Trade Union (suspended in 1995 after the Minsk Metro Workers' strike) and refused to register the Congress of Democratic Trade Unions. In December, largely in response to mounting international attention to worker rights violations, the Government ordered the Ministry of Justice to reregister the Free Trade Union and register the Congress of Democratic Trade Unions, whose August appeal to the Supreme Court to be registered had been denied. The Government also announced it was taking action to respond to the International Labor Organization's questions about the complaint made to the ILO in 1996 in which the Belarusian independent trade unions and the International Confederation of Free Trade Unions accused the Government of arresting labor leaders, preventing strikes, and restricting freedom of association.

Employees at state-run enterprises are discouraged from joining independent trade unions (see Section 2.b.). 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 federation of 5 million members has continued to disagree with the Government about some policies, but has not been willing to seriously challenge the regime. 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.

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, except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on the state of emergency or martial law. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified. With the possible exception of juvenile prisoners, forced labor does not occur. (See Section 6.d.)

d. Status of Child Labor Practices and Minimum Age for Employment

The law establishes 16 as the 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. The Prosecutor General's Office reportedly enforces this law effectively. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified (see Section 6.c.).

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 (200,000 Belarusian rubles). The minimum wage does not provide a decent standard of living for a worker and family. The Constitution and Labor

Code set a limit of 40 hours of work per week and provide 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 to 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 the law that allows workers to remove themselves from dangerous work situations without risking their jobs.

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