

# Belarus

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*Capital:* Minsk  
*Population:* 9.7 million  
*GNI/capita:* US\$12,120

Source: The data above was provided by The World Bank, *World Bank Indicators 2010*.

## Nations in Transit Ratings and Averaged Scores

	1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Electoral Process	6.75	6.75	6.75	6.75	6.75	7.00	7.00	7.00	7.00	6.75	6.75
Civil Society	6.00	6.50	6.25	6.50	6.75	6.75	6.75	6.50	6.50	6.25	6.00
Independent Media	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.50
Governance*	6.25	6.25	6.50	6.50	6.50	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.75	7.00	7.00	7.00	6.75	6.75
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.50	6.50	6.50	6.75	6.75	6.75
Judicial Framework and Independence	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Corruption	5.25	5.25	5.25	5.50	5.75	6.00	6.25	6.25	6.25	6.00	6.00
<b>Democracy Score</b>	<b>6.25</b>	<b>6.38</b>	<b>6.38</b>	<b>6.46</b>	<b>6.54</b>	<b>6.64</b>	<b>6.71</b>	<b>6.68</b>	<b>6.71</b>	<b>6.57</b>	<b>6.50</b>

\* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

## EXECUTIVE SUMMARY

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Belarus set itself firmly on an authoritarian path with the election in 1994 of Alyaksandr Lukashenka as the country's first president in the post-Soviet era. Elected on a populist platform and buoyed by widespread nostalgia for Soviet-era stability, President Lukashenka pursued a reversal of nascent democratic openings of the early 1990s through a series of controversial referenda. He restored Soviet-era symbols, reduced the Parliament and judiciary to rubber stamp bodies, abandoned term limits for the presidency, and took control over local administrations and security forces. President Lukashenka also curbed media freedom, suppressed political opposition, and reasserted state control over the economy. Sanctions and criticism from the United States and the European Union (EU) did little to challenge President Lukashenka's grip on power. Generous economic support and subsidies from Russia were integral to President Lukashenka's political sustainability.

Serious challenges to President Lukashenka's hold on power began to mount in 2007 when Russia significantly increased previously highly subsidized energy prices that had underpinned President Lukashenka's political control. Furthermore, the economic crisis briefly undermined Russia's capacity to be Belarus's lender of last resort. This constellation of pressures pushed President Lukashenka to engage in a dialogue with the EU. As part of a gambit to ensure his political survival, he purged his inner circle of pro-Russian figures and brought a younger cohort of pragmatists into his entourage. The EU temporarily lifted visa sanctions after President Lukashenka refused to support the Kremlin in the August 2008 war between Russia and Georgia and also released a number of political prisoners. However, the government failed to carry out the September 2008 parliamentary elections in a transparent manner. In order to comply with International Monetary Fund requirements, President Lukashenka had to devalue the currency and deregulate the economy. In April 2009, Belarus was invited as a full participant in the EU Eastern Partnership program.

While the regime was forced to adjust and engage in a discussion on political reform measures with supranational bodies, this activity did not suggest a long-term, substantial liberalization program. Every step towards liberalization seems to be countered by new, albeit slightly subtler, forms of repression and harassment of opponents to the regime. In the face of an effective standstill of liberalization during the second half of 2009, the opposition, civil society, and international observers called for new sanctions. At the same time, the Belarusian authorities' dialogue with the EU has had the effect of widening the space within Belarus for independent civil society to operate without fear of government persecution.

**National Democratic Governance.** The modest liberalization attempts of 2008–09 did not alter the status of Belarus as a consolidated authoritarian polity. However, political repression subsided compared to the worst period of mid-2000s, and some space for a dialogue between the government and civil society emerged. The government’s attempt to promote the Public Advisory Council as a figurehead platform for a state-society dialogue ended in frustration over attempts by independent-minded members to add substance to the council’s debates. *Frantic and controversial government reshuffling in November and December 2009 demonstrated the acute shortage of competent cadres in Lukashenka’s inner circle. Belarus’s rating for national democratic governance remains at 6.75.*

**Electoral Process.** Promised reforms to the electoral code have been reduced to insignificant improvements in nonessential areas. The government maintains the power to manipulate the vote. The state may provide the opposition with somewhat better campaigning opportunities for the April 2010 local elections in an attempt to placate Western audiences in order to secure permanent removal of EU visa sanctions. The opposition regrouped itself across ideological lines in 2009. A new generation of younger leaders is gradually taking over the leadership of the ruling party. *Belarus’s rating for electoral process remains at 6.75*

**Civil Society.** Belarusian authorities continued to harass civic activists even as instances of imprisonment and harassment became less widespread. Belarusian civil society strove to take maximum advantage of the opportunities offered by the government’s nod to liberalization, half-hearted as it has been, and the authorities’ dialogue with the EU. The unity of civil society groups at the Eastern Partnership Civil Society Forum demonstrated a maturing and more organized sector. Nongovernmental organization (NGO) activity is gradually focusing on engagement with the population to reform public attitudes and attract broader audiences. *Due to incremental improvements in the country’s NGO sector, Belarus’s rating for civil society improves from 6.25 to 6.00.*

**Independent Media.** Fears that the new Media Law enacted in February would significantly worsen conditions for independent journalism did not materialize. The government abstained from censoring the Internet, despite a leaked document indicating that plans to censor the Internet had been drafted. The government granted the European Radio for Belarus permission to operate in Minsk, but continued to ban other foreign media outlets, including Belsat TV. *Due to a slight relaxation of controls, Belarus’s rating for independent media improves from 6.75 to 6.50.*

**Local Democratic Governance.** Somewhat improved conditions for civic activism were not accompanied by radical change in overall relations between state and society at the local level. The government showed some willingness to engage with the public on key local issues, such as the building of a nuclear power plant in

the Astravets district. That said, the state carefully dictated the terms of engagement. *Belarus's rating for local democratic governance remains at 6.75.*

**Judicial Framework and Independence.** Belarus took some steps to reduce the intensity of political harassment against regime opponents. Nevertheless, the executive continued to openly interfere in the work of the judiciary. Jana Paliakiva, a human rights defender, was convicted to two and a half years of forced labor for attacking a policeman on March 3, 2009, a charge that was supported by false police evidence. A subsequent slander campaign against Paliakiva, and the activist's eventual suicide, highlighted the danger of human rights work in Belarus. *Belarus's rating for judicial framework and independence stands at 6.75*

**Corruption.** Belarus made some steps to liberalize business requirements and remove unnecessary controls in the economy. Both efforts improved transparency and bettered Belarus's ratings in corruption and business environment surveys. At the same time, there are signs of the spread of corruption in the key state institutions. *Belarus's rating for corruption remains at 6.00*

**Outlook for 2010.** The economic crisis and disturbances in Belarus's relations with Russia that forced some policy readjustments on the part of the government will not shake the foundation of the country's authoritarian system. The regime has settled on a temporary equilibrium through multi-vector foreign policy and deals with international financial organizations. President Lukashenka retains full control over law enforcement ministries and all areas of key importance to the regime. Ad hoc adaptation and minimal concessions to the West will be sufficient to secure regime interests if the economic crisis ends before it inflicts a serious blow to the Belarusian economy. During 2010, and the run-up to the presidential election in 2011, the regime will likely roll back the modest democratic reforms of the past two years. Civil society will strive to consolidate modest gains from past liberalization efforts but will moderate its activities in connection to the presidential election in order not to provoke a renewal of repression.

# MAIN REPORT

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## National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	n/a	6.75	7.00	7.00	7.00	6.75	6.75

The Belarusian constitution concentrates power over the entire government in the hands of the president. Consequently, Alyaksandr Lukashenka, the country's president, has total control over the executive branch, local administrations and the security apparatus. He has de facto control over the legislature and the judiciary; he hires and fires all regional and local governors, all judges (except for the chairman of the Supreme Court), half of the Constitutional Court, half of the Central Election Commission (CEC), and 8 out of 64 members of the Council of the Republic, the upper house of the country's Parliament. The president also regulates activities of Parliament and the Constitutional Court by decree. In 2009, for example, Lukashenka mandated that the Constitutional Court prescreen all the draft laws debated by Parliament for constitutionality before their submission. This requirement leaves the court inadequate time to review the bill before its debate and effectively turns the court into a rubber stamp body.<sup>1</sup> The constitution gives legal preference to presidential decrees over parliamentary decisions in the case of a conflict between the two. A constitutional referendum in 2004 removed the last check on presidential powers by waiving presidential term limits.

The last presidential elections were conducted on March 19, 2006. President Lukashenka officially took 83 percent of the vote, though the opposition and Western observers found widespread and serious flaws in the election process and the vote. In an August 2009 interview, the President admitted that he rigged the elections and lowered the percentage given to the incumbent from 93 to 83 percent as "the number above 90 is not well perceived psychologically."<sup>2</sup> The head of the CEC, however, challenged this figure.

Parliamentary elections most recently took place on September 29, 2008. According to observers from the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), the elections failed to comply with the OSCE's criteria for free and democratic elections and to Belarus's international commitments. When elections ended after the first round in all 110 municipalities, all elected members of Parliament (MPs) were government supporters. Most international observers, however, noticed some improvements in the electoral process. The parliamentary campaign of 2008 was carried out with fewer physical attacks on democratic activists and opposition candidates, and the opposition had more opportunities to present its views to the public, albeit through state-controlled media outlets.

The regime continued superficial liberalization efforts from the second half of 2008. The need to balance relations between Russia and the West caused President

Lukashenka to ease some political repression and allow greater economic freedom. President Lukashenka had to soften the political climate to extend the lifting of the EU visa ban, to ensure European Union (EU) and United States support for International Monetary Fund (IMF) loans, and to pave the way for participation in the EU's Eastern Partnership program. President Lukashenka himself, however, stated that liberalization is mere concession to the West and does not mean that the country is moving toward a democracy. While the President released political prisoners and allowed two opposition publications access to state networks, he drafted youth opposition leaders into the army. He recognized one opposition nongovernmental organization (NGO), but refused the registrations of others en masse.

Throughout the year, President Lukashenka's regime engaged in tricky geopolitical balancing between Moscow and Brussels. The president distanced himself from Moscow by not recognizing Abkhazia and South Ossetia, and Moscow boycotted Belarusian dairy products on the grounds that they had not been properly certified in Russia.<sup>3</sup> In retaliation to the boycott, President Lukashenka refused to agree to participate in the special reaction forces of the Organization of Collective Security Treaty, a Russia-centered political-military bloc, which Belarus was expected to chair in 2009. President Lukashenka eventually signed a treaty reserving the right to personally commit his troops on a case-by-case basis to Moscow's causes. Moscow became frustrated with President Lukashenka's flirtations with the EU and stepped up efforts, in the second half of 2009, to bring Belarus firmly back into its sphere of influence. Belarus was essentially forced to sign a controversial customs union treaty with Russia and Kazakhstan in November that gave Moscow access to control Belarusian transit infrastructure without a guarantee of duty-free oil.

Overall, new terms of trade with Russia and the worldwide economic crisis revealed President Lukashenka's failure to create a competitive modern economy in Belarus. The government lacks the necessary sense of direction and human capacity to draft a new course. Belarus has segments of a professional bureaucracy such as a National Bank, yet reform-minded professionals tend to be excluded from key decision-making positions. Some new high-level appointees seemingly lack the basic know-how to carry out duties.<sup>4</sup> Limited reforms undertaken in 2009 were primarily driven by a stabilization loan offered by the IMF at the end of 2008. The IMF gave Belarus the loan on the condition that the government devalue the country's currency, which it did on January 2, 2009. Though the move had the effect of cutting incomes by 20 percent overnight, it did not provoke civil unrest. By the end of 2009, the government lifted restrictions on most consumer prices. Overall, however, the government borrowed heavily from abroad in order to overcome the economic crisis, allowing debt to rise to a potentially dangerous level.

## Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6.75	6.75	6.75	6.75	6.75	7.00	7.00	7.00	7.00	6.75	6.75

Belarus lacks meaningful electoral competition. The country's electoral code fails to provide for the basic tenets of free and fair elections, such as equal campaigning opportunities, representation of all political parties in the country's electoral commission, and transparent vote counting. Representatives to the CEC are appointed to five-year terms by the president, effectively ensuring the interpretation of electoral legislation to the advantage of progovernment candidates.

Widespread violence, intimidation, and other forms of repression marked the 2006 presidential election. Official election results granted President Lukashenka an overwhelming victory; Alyaksandr Milinkevich, the leader of United Democratic Forces (UDF), won only 6 percent of the vote.<sup>5</sup> Independent observers accused the government of fraud, and security forces arrested or attacked hundreds of protesters who demanded a recount. The September 2008 parliamentary elections were accompanied by comparatively little violence, harassment, and campaign obstruction against the opposition. Nevertheless, all 110 progovernment candidates won the elections in the first round; no opposition candidate was elected.

In November 2009, President Lukashenka announced that, in order to avoid carrying out both presidential and local elections during the first quarter of 2011, the latter would be moved to April 2010. With this move, Lukashenka, in one stroke, cut the campaigning period of local candidates by one year. Some observers believe that authorities may hold relatively free parliamentary elections to mollify the EU and, more specifically, to gain a permanent lifting of visa restrictions.

After a yearlong debate, the government introduced amendments to the electoral code as part of an ongoing dialogue with the EU. The dialogue did not include members of the political opposition. No draft amendments were released to the public before the bill went to the House of Representatives. The amendments introduced some improvements to the electoral code, such as guarantees for participation of political parties in territorial electoral commissions, simplified procedures for registration of candidates, and more lenient campaign funding laws. Nevertheless, the new code failed to introduce solid checks on the government's ability to manipulate the stages of the process where most violations and falsifications take place, namely vote counting and early voting.

The legal environment for the functioning of the opposition political parties saw no major changes in 2009. Authorities continued to deny registration to some opposition parties, such as the Belarusian Christian Democracy (BCD) party and Party of Freedom and Progress (PFP). Though prohibited from registration, the state did allow BCD to hold party congresses twice in 2009. Due to the difficulty of obtaining registration, many political parties operate with semi-underground status.

In 2009, the opposition tried to address public concerns about the country's pressing social and economic issues. To this end, the opposition sought to

advocate for economic liberalization, public control over government spending, more extensive allocations to the social safety net, and initiatives to attract foreign investment.<sup>6</sup> It took weeks before the opposition presented any statement or assessment of the consequences of January's currency devaluation. Although the opposition expected the economic crisis to shake the regime, society generally accepted the government's claim that the crisis was brought on from outside and not a result of the government's economic policies. Nevertheless, the percentage of the population who holds the government accountable for the country's economic woes grew substantially over the past year.<sup>7</sup>

Unable to engage in open and meaningful political competition, many political parties operate effectively as civil society structures. Some opposition parties actively lobbied in the first half of 2009 against Belarusian participation in the EU's Eastern Partnership program. They objected to President Lukashenko's invitation to Prague and rhetorically attacked EU leaders when President Lukashenko was allowed in Europe. Dalia Grybauskaitė, Lithuania's president, criticized Andrei Sannikov, leader of Charter-97, a civil society group, for promoting the opposition's decade-long tradition of isolationism.

The opposition experienced a restructuring this year with the disintegration of its largest coalition, the UDF. After losing the party's chairmanship in 2007, Alaksandr Milinkevich abandoned his hard-line stance against President Lukashenko and founded the moderate, pro-European party, For Freedom. This move evoked accusations from other members of the opposition that Milinkevich has compromised his political standards. However, Milinkevich reclaimed leadership of the opposition in September, when his ally, 33-year old Aliaxei Janukevich, replaced Liavon Barscheuski as the leader of the Belarusian Popular Front (BPF), the largest opposition party. In November, Janukevich combined For Freedom with several other nationalist right wing groups to create the Belarus Independence Block (BIB). The new leadership of BPF soon confirmed that UDF was defunct, thus formalizing the split in the opposition just before the election year. At the end of 2009, several opposition figures announced their intention to run for presidency, reducing the possibility of a unified coalition.

#### Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6.00	6.50	6.25	6.50	6.75	6.75	6.75	6.50	6.50	6.25	6.00

The government treats independent civil society as a subset of the political opposition. Belarusian legislation criminalizes unauthorized civic activities, refuses to offer NGO tax-exemptions for charitable projects, and gives courts and regional governments the liberty to harass NGOs on arbitrary grounds. Although the government no longer liquidates NGOs, most of which were outlawed in 2003–06, there is no movement toward expanding the civil society sector. Thus, the total number of officially registered NGOs in Belarus saw virtually no growth over the

last decade, with only 24 additional organizations since 2003. The Ministry of Justice registered only 63 new public associations in the first 9 months of 2009.<sup>8</sup> The government actively promotes and finances loyal organizations, such as the Belarusian Republican Youth Union or the Federation of Trade Unions, which serve as instruments of official control and indoctrination.

Minor improvements in the legal environment for NGO activities took place in 2009. In December, the Belarusian Parliament adopted the Law on Amendment of Some Administrative Procedures, which is intended to simplify the registration process for public associations. The law simplifies some aspects of NGO administration, including reports to the Ministry of Justice and procedures for obtaining tax identification numbers. At the same time, critics insist that the law widens the range of ‘blatant violations of the law,’ for which NGOs can be legally closed.<sup>9</sup> Several NGOs, however, benefited from the process of economic liberalization by registering themselves as ‘establishments,’ in other words legal entities with simplified procedures for registration and financial accounting.

Repressive attacks against NGOs slightly subsided in 2009 compared with previous years, especially the peak of political repression in 2005–06. Since 2007, authorities have not enforced Article 193-1 of the criminal code, the “Anti-NGO” article which sets the punishment for unregistered NGOs at two years imprisonment (between 2005 and 2007, the court sentenced 17 people according to the article).<sup>10</sup> On June 30, the government launched a criminal case against Jauhen Volkau, parishioner of the Unification (Moon) Church, for violation of Article 193-1. The case, which was dropped two months later, was reopened in December. Some NGO activists, such as members of the independent Belarusian Union of Poles, received official notifications that they may be prosecuted for their activities according to Article 193-1. During the second half of 2009, authorities debated whether to move the article to the administrative code, however, no action was taken. Civil society organizations campaigned against Article 193-1 by staging flash mobs in the Prosecutor General’s Office, posing as an ‘unregistered organization of Santa Clauses.’ Authorities issued serious warnings to mob participants for acting on behalf of unregistered NGOs.

Authorities continued their campaign against several Protestant sects they saw as disseminators of undesired Western cultural trends. The New Generation Church in Baranavichy was fined in July for “non-statutory activities.”<sup>11</sup> Jury Rashetnikau, an activist from the Jehovah’s Witnesses community in Homel, was fined the same month for staging an unauthorized prayer service in a private house. The authorities renewed pressure on the New Life Church by demanding that the church surrender its building. The government claims that the church is using the facility, a refurbished cattle barn, improperly. Attempts to confiscate the building prompted a 200-person hunger strike in 2006.

On a positive note, a slight softening of the political climate, due to the Belarus-EU dialogue, helped widen opportunities for civil society to operate without direct punishment. These relations led to new opportunities for civil society activity, highlighted by the mass participation of Belarusian NGOs in the Eastern Partnership

Civil Society Forum. The regime sought to offer a ‘consolation prize’ to opponents in the 2008 elections by establishing public advisory councils composed of both government and opposition figures. The most prominent such body, the Public Advisory Council of the Presidential Administration, was formed in February and 10 of its 30 representatives came from the independent civic sector. In November, however, Uladzimir Makey, the head of the presidential administration, suspended the council’s activities after criticism on the part of council about the ‘window dressing’ nature of its functions.<sup>12</sup>

Limited open debates between the representatives of NGOs and authorities on key policy issues take place. These debates usually happen under the patronage of international organizations, such as the EU or the OSCE. The OSCE mission in Minsk held a roundtable on media freedom and several NGOs in Mahileu organized the Social Forum in March. A public debate over the construction of a nuclear power plant in Astravets took place in October. The policy debate was made possible due to the administration’s desire to demonstrate its willingness to engage in dialogue with opposition, as well as a widening of NGO objectives.

#### Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.50

Belarus’s media sector remained in a dismal state. Although President Lukashenka’s half-hearted liberalization of the political climate eased repression somewhat against critical opinions, the government remained in full control of information flows.

According to the Ministry of Information, there were 1,314 printed periodicals in the country before the enactment of the new Media Law, 70 percent of which were nongovernmental publications. Nevertheless, the independent Belarusian Association of Journalists (BAJ) estimates that there are only slightly more than a dozen independent periodicals that write on sociopolitical issues and present alternative viewpoints to official propaganda. Public sector employees and state establishments are required to subscribe to state periodicals. Independent publications suffer from discriminatory pricing policies of government-owned printing houses and may be denied access to state distribution networks. Authorities allowed two publications, *Narodnaya Volja* and *Nasha Niva*, to return to the distribution networks in November 2008, but this step was widely considered a one-off concession and not a sign of systemic liberalization of the media. Since *Nasha Niva* returned to kiosks its readership increased three-fold. Most independent publications banned from Belsajzdruc and Belposhta, two state distribution networks, appealed in 2009 to restart their subscription and sales agreements. With the exception of one publication, all received negative responses. State distribution networks refused to distribute some independent periodicals, such as *Hancavicki Chas*, on the grounds that these publications do

not have sufficiently large readerships to justify their inclusion. Belsajuzdruk broke an agreement to sell *Barysaukskija Naviny* in state kiosks in January. Additionally, independent newspapers, especially those critical of the authorities, may have trouble gaining advertisers, as state-run companies are mandated to give priority to government-owned newspapers. In 2009, President Lukashenka extended tax-free status for several government media outlets, including the Belarusian TV and Radio Company and Capital TV in Minsk, but stopped short of extending the same privilege to independent stations.

Aimed at pricing independent media outlets out of existence with excessive fines, the state continued to levy administrative penalties against nongovernmental publications. On January 13, the Minsk Regional Economic Court fined the publisher of *Barysaukskija Naviny* US\$18,000 for incorrectly reporting the address at which the office of the newspaper was rented.

Belarusian law restricts independent journalists' contact with officials, who may not speak with the press without permission from their superiors. The state continues to arbitrarily deny independent journalist accreditation for state-run events and press conferences and hinder access to information regarding the work of government bodies. For example, a regional executive council denied *Uzhorak*, a Horki-based newspaper, accreditation on the grounds that the administration had already accredited a state newspaper and regarded the accreditation of a second paper as unnecessary.

The state may punish journalists and newspapers for reporting sensitive information. In November, the Ministry of Information issued warnings to four independent newspapers—*Nasha Niva*, *Komsomolskaya Pravda v Belorussii*, *Va-Bank*, and *Narodnaja Volja*—for allegedly spreading state secrets and false information. Most journalists believe the warning was a reaction to reporting on the government's attempt to downplay the swine flu pandemic in Belarus. Others suspect that participation of *Nasha Niva* and *Komsomolskaya Pravda v Belorussii* in the meeting with the Russian President Dmitry Medvedev in Moscow could also be the cause for backlash. The Ministry of Information issued a second warning to *Narodnaja Volja* in December, placing the newspaper at risk of suspension or being shut down. Overall, independent publications were remarkably more willing to write on issues they abstained from covering in the past, including internal fights within the presidential entourage, the private life of the president, and the government's inability to deal with the economic crisis. The government tried to clamp down on this reporting with low-intensity harassment and outright bans.

In February, a new Media Law came into force. The law simultaneously made improvements in the environment for independent journalists by, for example, simplifying the registration procedures, while at the same time introducing new restrictions. Some provisions of the law, including the explicit prohibition of work for unaccredited foreign media outlets, did not materialize in practice during the first half of the year. Nevertheless, according to Aleh Bastunec, chairman of the BAJ, the law fails to provide a level playing ground for state and non-state media in accreditation and access to information. By November 1, 45 percent of periodicals

successfully passed the re-registration required by the new Media Law. There were no occurrences of denial in re-registration. Two newspapers—*Pivnaja gazeta* and *Uzhorak* registered under the new law and began publication in summer 2009.

The most significant setback of the new Media Law is a ban on the work of independent journalists working for foreign broadcast media outlets without official accreditation. These outlets, such as the Polish television station, Belsat, the EU and American-funded Radio Racija, and the European Radio for Belarus, offer diverse views, unbiased information, and criticism toward the Belarusian government's repressive activities. European Radio finally obtained official accreditation in November after several denials, while the Foreign Ministry, responsible for accreditation of foreign media, denied other media outlets, including Belsat, the right to legally operate in Belarus. For several months before obtaining official accreditation, European Radio broadcast using the frequencies allocated to Avtoradio, an FM station. In October, however, the Ministry of Information ordered the program off the air.

The government continued to prosecute civic activists for distributing unauthorized media production. The state fined three such activists, Viktor Ahramchuk, Sviatlana Mihalchanka, and Sergei Shevialenka, US\$600 for "abusing the freedom of speech" by distributing unregistered newspapers during the September 2008 parliamentary elections. The activist appealed the charges, but the court denied the appeal in January.

Riot police obstructed independent journalists covering street protests. The BAJ issued an appeal to the Ministry of Interior against police brutality during opposition protests in September and October. In response, the ministry required that police officers be specially trained to protect activities without inflicting harm on journalists and bystanders, and the German embassy offered training by German police on peaceful handling of protests. Nonetheless, police detained journalists covering a protest in late October. The detained journalists, who were filming protest activities, reported police severely beat them and threatened them with reprisal.

The authorities continued to use the Law on Combating Extremism to obstruct the work of the independent press. On January 25, the Maskouski District Court in Brest upheld a KGB suit against *ARCHE* cultural magazine for 'extremist' content in its August 2008 issue. The KGB claimed that by stating that society had lost its will to resist President Lukashenka, the magazine, which was confiscated at the Belarus-Poland border, had issued a covert appeal for civil disobedience.<sup>13</sup> In May, the court of appeals overruled this decision, and cleared *ARCHE* of all charges of publishing extremist content.

The Belarusian authorities appeared to be more willing than before to debate issues related to press freedom with independent journalists in 2009, though the openness toward dialogue was partially to showcase progress in the media sphere in the context of the ongoing negotiations with the EU. The BAJ held several meetings with top representatives of the presidential administration in the spring and autumn and discussed various aspects of how an independent press functions.

The Internet remains a largely unregulated zone and opinions are expressed freely. Official statistics cite the number of Internet users at three million.<sup>14</sup> The quantity and diversity of online publications and resources have grown rapidly. Tut.by, the country's main information and entertainment portal, hosts 1.5 million visitors per month. Some major news outlets, such as KP v Belorussii, BelaPAN, BelTA, and Charter-97, have 120,000–180,000 online readers per month.<sup>15</sup> Hence, the Internet is becoming a major source of information for Belarusians. Some sensitive information, including the scale of the swine flu pandemic, was disseminated almost exclusively from the coverage of blogs and Web sites. A draft presidential decree leaked to the press in December, foresees the introduction of strict Internet controls. If enacted, the decree would require all online news outlets in Belarus to obtain registration and force providers to register and submit information on Internet users to the Operative Analytical Center of the Presidential Administration. The law would also allow the state to block access to critical Internet sites. Officials confirmed authenticity of the draft decree, and declared it would be signed after some adjustments.

#### Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	n/a	6.50	6.50	6.50	6.75	6.75	6.75

Belarus lacks a system of local self-governance. According to the constitution, local administrations form a single state under national bodies. The president directly appoints the heads of regional (*voblast*) and district (*raion*) administrations. Local councils primarily serve as window dressings to create a semblance of local democracy. During the January 2007 local elections, less than two dozen representatives of the opposition gained seats among more than 21,000 vacancies in local councils. Only a handful of local election campaigns are carried out on a competitive basis, as most candidates receive government approval and run unopposed. The opposition has limited resources to fund most races at the regional and district level. Hoping to mollify the EU, authorities may carry out the scheduled April 2010 local elections in a relatively relaxed atmosphere.

Local political and civic activists are weaker than their colleagues from the capital. This is because it is easier to monitor activities in the countryside than the city, and because of the extremely limited opportunities for pursuing an independent life once relationships with state entities have been broken. Hence, many civic groups abandon political agendas and try to engage authorities on nonpolitical issues of local importance. Quite a few groups achieved limited success with this strategy in 2009. However, even focusing exclusively on non-political issues does not always prevent authorities from considering local NGOs as opposition groups. For example, local authorities in Salihorsk obstructed a politically neutral campaign to open up a new polyclinic in the city by confiscating leaflets drawing residents' attention to the issue.

Individuals who make accusations against local law enforcement authorities run the risk of facing prosecution themselves, as was the case with Jana Paliakova, a human rights defender in Salihorsk. On March 3, a court sentenced her to two and a half years of forced labor for allegedly attacking a policeman. Paliakova previously accused the same police officer of beating her as she was arrested during a protest of President Lukashenka's visit to Salihorsk in August 2008. The state media launched a defamation campaign following the sentence, and, devastated, Paliakova committed suicide on March 6.<sup>16</sup>

Local authorities engage with the public on key local and regional issues, but frequently use public hearings to press their views and denounce the opposition. During a public debate in October, over the construction of a nuclear power plant in Astravets, authorities stigmatized opponents of the power plant and arrested one of the opponents on false charges of petty hooliganism.

#### Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75

The judicial branch in Belarus is formally subordinated to the president by the constitution. The president appoints judges and regulates activities of the courts by decree. In 2009, President Lukashenka introduced new regulations for the Constitutional Court of Belarus, demonstrating the authority of presidential power over the country's highest court.

In 2009, Belarusian authorities considered limited liberalization of the criminal code, such as the replacement of prison terms for first-time felons with fines and similar punishments and the extension of out-of-court settlements. President Lukashenka, however, insisted that no leniency would be introduced for corruption-related offenses. At the same time, however, liberalization of the criminal code was accompanied by new measures to further strengthen the president's control over the court. The criminal code gives the president the right to release citizens from prison terms if they compensate the state for damages. Such presidential prerogatives, critics say, may effectively send a signal to state officials that they would be safe breaking the law provided they remain loyal to the president.

President Lukashenka directly interfered in the murder trial of four Pukhavichy villagers who brutally killed a fellow villager, Mikalaj Makarevich, for setting several houses on fire. President Lukashenka demanded the minimum possible sentence for the defendants and ordered they be put under pretrial house arrest. After the court issued the minimum possible sentence, President Lukashenka pardoned the villagers. Independent journalists investigating the case expressed serious doubts that Makarevich committed the acts of arson.<sup>17</sup>

There was a considerable decline in the number of administrative trials against political opponents of the government and instances of arrests or fines (as seen in

Table 1). This decline was accompanied by an increase in police violence during protest rallies. Police actions against the protesters in Minsk in September and October were carried out with a brutality rarely seen since the worst period of political repression in 2004–06. The police beat dozens of protesters and journalists on the streets.

Table 1  
Instances of Trials, Arrests, and Fines 2007–09

	2007	2008	2009
Number of occurrences of politically motivated harassments (including beatings, threats, detainments, etc.)	611	526	467
Number of administrative trials on politically motivated cases	317	327	103
Number of defendants given administrative arrest	148	146	13
Number of defendants given fines	320	262	73
Number of defendants given large fines (equivalent to more than US\$100)	61	67	41
Number of persons fined for 'swearing in public'	145	47	1
Number of persons fined for violation of the rules for conducting public rallies	137	266	104
Number of prosecutions for insubordination to the lawful demands of a public official	18	17	8

Source: Database of the Spring human rights group, [www.spring96.org](http://www.spring96.org)

The authorities continued to repress reform-minded youth groups in 2009. Although the number of arrests and fines against youth activists dropped in comparison with previous years, authorities forced the dismissal of many activists from university and work and levied heavy fines for staging unauthorized rallies and distributing antigovernment materials. Some leaders of the democratic youth, including Franak Viachorka of the youth faction of the Belarusian Front and Zmicier Khvedaruk of the Young Front, were arbitrarily expelled from their universities, thereby, losing their exemption from military service, and subsequently were drafted into the army. During the last two months of 2009, five youth activists, including Artur Finkevich of Young Belarus and Zmicier Dashkevich of Young Front, were kidnapped and taken from Minsk. Kidnappers intimidated the detained activists in police wagons, reminiscent of the death squads that executed opposition leaders in 1999. There is no direct proof of the authorities' involvement in these kidnappings, however, the state has refused to launch an investigation into these cases.

The government continued to use economic crimes as a pretext to neutralize political opponents. In 2009, Alexei Bandarenka, an entrepreneur from Babruisk, was sentenced to seven years in jail for accounting fraud. As Bandarenka was a candidate for 2008 parliamentary elections, many observers considered his sentence an act of political reprisal. Bandarenka went on hunger strike in jail in November

demanding to be released. Though the court nullified Bandarenka's sentence and sent the case for review, he remained in prison at the end of the year.

Repression against private entrepreneurs intensified in February in Vaukavysk, where authorities arrested protest organizers Yuriy Liavonau, Mikalai Autukhovich, and Uladzimir Asipenka, on charges of arson and conspiracy to murder state officials. The case fell under Article 359 of the criminal code, which punishes acts of terrorism with a sentence of death. Autukhovich went on hunger strike in April and continued it for several months. Authorities released Liavonau in August and dropped all charges against him. Human rights defenders argue that authorities failed to put forward any evidence against Autukhovich and Asipenka.

### Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
5.25	5.25	5.25	5.50	5.75	6.00	6.25	6.25	6.25	6.00	6.00

Belarus ranked 139 in the 2009 Transparency International Corruption Perception Index, an improvement from the previous year's ranking of 151. This reflects efforts toward reduced bureaucratization, making government operations more transparent and less subject to abuse by civil servants.

Belarusian legislation contains many laws regulating corruption and conflict of interest. The state has also issued a mandatory anticorruption action plan for all government bodies. Draft laws to be considered by the Parliament have to pass a so-called criminology test by the Office of Prosecutor General that submits expert assessment on whether new regulations would create or diminish opportunities for corruption. At the same time, however, the system of unlimited presidential rule blurs the line between the public and private domain of the president, who is entitled to allocate extra budgetary funds without parliamentary oversight, and whose decrees and regulations have legal precedence over the laws made by Parliament. Presidential interference in the legislative process compromises the enforcement of corruption; the president keeps a list of officials who can only be prosecuted upon his consent, and retains the right to release an official from serving criminal punishment if the latter agrees to compensate the state for any damages incurred. As a result, the practice of holding officials accountable for corruption is typically arbitrary and determined by presidential judgment.

In November, the Office of the Prosecutor General reported that it prosecuted 20 percent more corruption cases in the first nine months of 2009 as compared with the same period of 2008. Bribery, fraud, and abuse of office continue to be the most widespread acts of corruption exposed by authorities.<sup>18</sup> Nevertheless, critics insist that the lack of oversight by Parliament and civil society creates a sense of impunity among public officials. Mechuslau Hryb, a former parliamentary speaker and police general, noted that the level of corruption within the country's law enforcement bodies may exceed that of the Soviet era and the early 1990s.<sup>19</sup>

State officials recognize that the current fight fails to address the systemic roots of corruption, and leads to a situation in which one corrupt bureaucrat is replaced by another.

According to the Office of the Prosecutor General, the most corrupt official bodies are the Ministries of Transportation, Architecture and Construction, Education, and Agriculture and Foodstuffs. These ministries are heavily engaged in licensing economic activities and have extensive discretionary powers. A similar situation exists in large state-owned industrial conglomerates. In 2009, a corruption scandal occurred at the Belaruskali salt mining and potassium fertilizer firm, the country's principal hard currency earner, whose management was caught rewarding friendly business interests through closed tenders.

On a positive note, the government removed some roots of petty corruption by simplifying procedures for registering and running private businesses. Belarus jumped from 85 in 2008 to 58 in 2009 in the World Bank's Doing Business survey. At the same time, Belarus's tax laws remain excessively complex and bureaucratic, nurturing a culture of tax evasion and bribery.

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