

Belarus

by Alexei Pikulik, Dzianis Melyantsou et al.

Capital: Minsk
Population: 9.5 million
GNI/capita, PPP: US\$14,460

Source: The data above are drawn from the World Bank's *World Development Indicators 2013*.

Nations in Transit Ratings and Averaged Scores

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Electoral Process	6.75	7.00	7.00	7.00	7.00	6.75	6.75	7.00	7.00	7.00
Civil Society	6.75	6.75	6.75	6.50	6.50	6.25	6.00	6.00	6.25	6.50
Independent Media	6.75	6.75	6.75	6.75	6.75	6.75	6.50	6.75	6.75	6.75
Governance*	6.50	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	6.75	7.00	7.00	7.00	6.75	6.75	6.75	6.75	6.75
Local Democratic Governance	n/a	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75	6.75
Judicial Framework and Independence	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00	7.00
Corruption	5.75	6.00	6.25	6.25	6.25	6.00	6.00	6.00	6.25	6.25
Democracy Score	6.54	6.64	6.71	6.68	6.71	6.57	6.50	6.57	6.68	6.71

* 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

Belarus exists under a consolidated authoritarian regime. Since coming to power in 1994, President Alyaksandr Lukashenka has relied on external economic rents to maintain his social contract with the population, providing sustained social welfare in exchange for public loyalty. These rents, mostly from Russia, have come in the form of oil and gas subsidies, as well as special conditions in regional customs agreements and support in deterring international pressure to implement democratic reforms.

When Russia began to withdraw its massive energy subsidies in 2007, Belarus was forced to court the support of the European Union (EU) by marginally improving media freedoms or sporadically loosening restrictions on political and civil society actors. However, the severe crackdown on independent political and social activity that followed the December 2010 presidential election terminated any hopes of a more sustained political thaw. Since the beginning of Belarus's economic crisis, public support for the regime has eroded in tandem with the state's ability to deliver modest welfare. As citizens' confidence in the regime declines, the state increasingly relies on the security apparatus to maintain its power.

State harassment of Belarus's civil society activists and the political opposition intensified in the run-up to parliamentary elections in September 2012, which resulted in a predictable landslide victory for parties allied with Lukashenka. Relations with the EU deteriorated still further during the year when attempts to pressure Belarus into respecting human rights led to the expulsion of several European ambassadors. The exposure of Belarus's "solvents" scheme did not impede continued economic assistance from Russia.

National Democratic Governance. The defining features of President Lukashenka's autocratic regime remained constant during the year with no genuine breakthrough in political liberalization. Faced with the threat of continued economic problems in 2013, Lukashenka sought to preempt a mass exodus of labor to Russia by issuing a decree that required woodworkers to get permission from their employers before quitting their jobs. The regime also reshuffled key positions in the security apparatus, replacing traditional hard-liners with more moderate figures. *Belarus's national democratic governance rating remains unchanged at 6.75.*

Electoral Process. Elections in Belarus are largely an administrative formality, conducted to validate the selection of progovernment candidates. Legislation fails to protect such basic tenets of free and fair elections as equal campaigning opportunities, representation of all political parties in the country's electoral

commission, and transparent vote counting. Following a boycott by some major opposition parties, not a single opposition candidate was elected in September's parliamentary elections, which were condemned by international observers as neither free nor fair. *Belarus's rating for electoral process remains unchanged at 7.00.*

Civil Society. In 2012, Belarusian activists and civil society organizations endured heightened repression by the authorities. Nongovernmental organizations faced legal harassment, resulting in the closure of the offices of two prominent human rights organizations. During the parliamentary election campaign, authorities denied international election monitors entry visas. Two apparently innocent citizens were arbitrarily detained in connection with the investigation into a stunt orchestrated by a Swedish advertising agency in support of freedom of expression in Belarus. Belarusian activists involved in similar prodemocracy demonstrations faced fines and jail time. Owing to the regime's growing intolerance for all forms of criticism, *Belarus's civil society rating deteriorates from 6.25 to 6.50.*

Independent Media. The regime continued its systematic suppression of media freedom in 2012. Pressure on both domestic and foreign journalists intensified in the run-up to parliamentary elections in September, and authorities began targeting moderators of online social networks affiliated with the opposition. Due to a last-minute ruling of the Central Electoral Commission, campaign speeches that contained language advocating for a boycott were censored and state-run media denied airtime to some opposition candidates. *Belarus's independent media rating remains at 6.75.*

Local Democratic Governance. Local officials have extensive responsibilities in carrying out government programs, especially in the areas of health, administration, and infrastructure. However, they are often underfunded due to the lack of local revenue sources. State authorities tend to be more attentive to local level initiatives than to national opposition movements, but engagement is usually limited to diffusing conflicts. *Belarus's local democratic governance rating remains at 6.75.*

Judicial Framework and Independence. The legal system in Belarus continues to be subordinated to the president, with courts playing the role of punitive bodies executing the president's will against political opponents. In 2012, there were numerous politically motivated court decisions against government critics. Amendments to Belarusian legislation expanded the definition of terrorism to include civil and political activity aimed at destabilizing the regime. Two men convicted of carrying out the Minsk subway bombings in 2011 were executed after a faulty trial. *Belarus's rating for judicial framework and independence remains at 7.00.*

Corruption. Belarus's economy remains dominated by the public sector, and the vast discretionary power of bureaucrats to regulate economic activities creates ample opportunities for extortion. Although a few anticorruption cases targeting

high-ranking bureaucrats emerged during the year, no genuine effort was made to address the systemic causes of corruption. After getting caught by Russian authorities, Belarus officially agreed to end the longstanding practice of exporting Russian crude relabeled as “solvents.” Although Belarus slightly improved its rank in the World Bank’s 2013 *Doing Business* report, a number of administrative barriers for business remain, particularly unequal economic conditions for public versus private entities. *Belarus’s corruption rating remains at 6.25.*

Outlook for 2013. With \$3.1 billion of external debt to repay and an unresolved oil dispute with Russia, Belarus’s financial situation will be precarious in 2013. The government will face increasing internal pressure to follow through on its economic promises. As an insurance policy, Lukashenka may attempt to restore relations with the West by introducing half-hearted liberalization and democratization efforts, as he has in the past. If Belarus chooses this option, the repressive measures against civil society, the political opposition, and the media that have increased in recent years are likely to subside slightly in 2013.

MAIN REPORT

National Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	6.75	7.00	7.00	7.00	6.75	6.75	6.75	6.75	6.75

The constitution of the Republic of Belarus, amended in a controversial referendum in 1996, established a system of unlimited presidential authority over the executive branch, local administrations, and the security apparatus. Presidential decrees overrule laws adopted by the parliament and regulate the activities of the Constitutional Court. The president appoints and removes 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 parliament). A constitutional referendum in 2004 removed the last check on presidential powers by waiving presidential term limits.

Lukashenka's regime has maintained power by redistributing external economic rents obtained from Russia—including energy subsidies and privileged access to the Russian market—in exchange for domestic political support. With up to 70 percent of the population employed by the state, the government was able to purchase loyalty by bailing out insolvent sectors of state-owned economic enterprises, inflating salaries when expedient, and spending heavily on welfare services. After the flow of rents from Russia drastically declined in 2007, Belarus reluctantly courted support from Europe, resulting in the appearance of brief periods of political thaw. However, the harsh government crackdown on the opposition following the 2010 presidential elections brought an end to any illusions of genuine liberalization.

Rampant inflation and the reckless devaluation of the Belarusian ruble sent the country spiraling into an economic crisis in 2011. In 2012, a series of billion-dollar loans from international funding agencies and the fraudulent reselling of imported Russian oil temporarily alleviated Belarus's financial difficulties, though finding opportunities for gross domestic product growth in the country's controlled economy remained problematic. Despite some international assistance, the average salary in Belarus stayed dismally low in 2012. Wages are higher in Russia and many other neighboring countries in Eastern Europe, where about 14 percent of Belarus's workforce has already sought out employment.¹ In order to preempt a mass exodus of labor, in November Lukashenka issued a decree requiring woodworkers to get permission from their employers in order to resign from their current positions.² The order, which could be extended to include other professions, has been criticized for reintroducing serfdom in the country.³

As economic troubles strain public support for the regime, the government increasingly relies on state security apparatuses to suppress growing discontent.

In 2012, government agencies made an example of several prominent critics and perceived enemies of the regime. In January, a municipal court in Minsk confirmed a 4.5-year prison sentence for the president of the Viasna Human Rights Center, Ales Bialiatski, who was convicted of tax fraud in 2011 for financing the organization's activities from foreign bank accounts. The sentence also called for the confiscation of Viasna's property and the closure of its offices. The state media campaign against the Belarusian Association of Journalists (BAJ) also continued in 2012.

Campaigning for the September parliamentary elections began in early 2012, but with the electoral environment already tightly controlled and the opposition divided on campaign strategy, authorities were able to avoid the kind of mass demonstrations it had encountered after the 2010 presidential elections. Although the former presidential candidate Andrei Sannikau and his campaign team member Dzmitry Bandarenka were pardoned in April, twelve major opposition figures remained behind bars throughout the parliamentary elections. The continued incarceration of potential candidates and an unfair campaign environment led several opposition groups to call for an election boycott.

The regime reshuffled several government positions in August, replacing a few traditional hard-liners with more moderate figures. Vladimir Makei, known for his pragmatic attitude toward the West, was appointed minister of foreign affairs in August. Makei's former position at the head of the presidential administration was filled by Andrei Kobyakov, Belarus's former ambassador to Russia and a moderate supporter of free market solutions. Vadim Zaicev, the KGB leader most associated with violent suppression of postelection unrest in December 2010, was replaced in November by General Valery Vakulchik, a perceived moderate. Weeks later, Lukashenka made it clear that these personnel changes signaled no substantive shift in the character of his regime, giving a series of notorious interviews in which he sarcastically referred to himself as a dictator.⁴

Belarus's already poor relations with the European Union (EU) deteriorated in 2012. In late February, EU foreign ministers imposed a travel ban and asset freeze against over 200 Belarusian politicians and officials accused of serious human rights violations. Outraged, Lukashenka responded by expelling Belarus's EU and Polish ambassadors.⁵ The EU, in turn, responded by recalling the remainder of its diplomats. After a Swedish advertising firm dropped teddy bears toting freedom-of-expression messages over Minsk, Belarusian authorities also expelled the Swedish Ambassador for being "too supportive of human rights."⁶ In an apparent last-ditch effort to convince the EU to lift restrictions on Belarus, the regime released two more political prisoners—Sergei Kovalenko and Paviel Syramalotau—in the week following the September parliamentary elections.⁷ However, ongoing and widespread harassment of government critics led the EU to extend the sanctions in October, delaying opportunities for strengthening its ties with Belarus for another year.

Electoral Process

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
6.75	7.00	7.00	7.00	7.00	6.75	6.75	7.00	7.00	7.00

Although Belarus's recently amended electoral legislation meets most international standards, it fails to protect such basic tenets of free and fair elections as equal campaigning opportunities, representation of all political parties in election commissions, and transparent vote counting. Under these circumstances, elections are largely an administrative formality, though the political opposition does use them as an opportunity to rally support and criticize the regime. Parliamentary elections in September 2012 were conducted in an atmosphere of fear and sustained harassment of opposition activists, and resulted in a predictable landslide victory for pro-Lukashenka parties.

Changes introduced into the electoral code in 2010 and 2011 created regulations for appointing members to electoral commissions, organizing campaign events, and financing campaign activities through private funding. The amendments were made in line with recommendations of the Organization for Security and Cooperation in Europe (OSCE) and recognized as improvements. Nevertheless, Belarus's electoral framework retains a number of shortcomings, particularly the absence of effective mechanisms for processing complaints and appeals.

In the past, political parties were required to maintain a local presence in any constituency where they wished to nominate a candidate, a rule that restricted many opposition parties from proposing candidates outside major cities. With this restriction removed under the new code, more than half of the candidates for the September 2012 parliamentary elections were party nominees, rather than independents—a significant increase compared to the last legislative elections in 2008.⁸ Unregistered public associations such as the Tell the Truth and For Freedom opposition movements were permitted to propose their candidates as independents with the support of 1,000 voter signatures.

Nevertheless, voters' choices remained limited, as district election commissions (DECs) rejected the candidacies of nearly one in four candidates, mostly those nominated by pro-opposition parties or associations. DECs approved only 13 out of 25 candidates nominated by Tell the Truth; in Minsk, the movement only managed to register one candidate. Similarly, the candidacies of a number of prominent politicians—including the leader of the For Freedom movement, Alexander Milinkevich, and former defense minister and member of the United Civil Party, General Pavel Kazlouski—were refused. Although the rules regulating the selection of members to serve on DECs requires that at least one-third of the members come from political parties or other public associations, most of these members were chosen from progovernment parties and opposition parties made up less than 1 percent of the commissions. Candidates were typically disqualified due to technicalities related to signature verification, a process which observers were prevented from monitoring, deepening suspicion that candidate registration was subject to political bias.

During the campaign season, administrative resources were used to benefit progovernment candidates. State media focused primarily on procedural aspects of the elections, giving very little coverage to individual candidates. The continued imprisonment of political prisoners who were arrested following the 2010 presidential election and distrust in the political process led several opposition parties to campaign for an election boycott. Ultimately, only four major forces—the Belarus Christian Democrats, United Civic Party, European Belarus, and the Belarusian Popular Front—followed through on this initiative. While acknowledging faults in the electoral process, For Freedom, Belarus Social Democratic Party Hramada, and Tell the Truth chose to participate in the elections, attempting to make use of the newly acquired opportunities provided by the revisions to the electoral code. Boycott supporters distributing campaign materials in the street regularly clashed with police and law-enforcement bodies and were subject to arrest, fines, and imprisonment.⁹

Irregularities marred the verification of voting data and in some cases, elections commissions flagrantly violated legal procedures. Although few discrepancies were noted in the documentation of early voting,¹⁰ final results on election day varied widely: official figures reported a voter turnout of 74.6 percent,¹¹ while a poll from the Independent Institute of Socio-Economic and Political Studies recorded only 66.4 percent¹² and some opposition activists claimed less than 40 percent.¹³ On multiple occasions, election commissions refused to provide information to observers on the number of registered voters at polling stations. The election monitoring organization Human Rights Defenders for Free Elections reported a lack of transparency in the tabulation of votes, with its estimates differing from the data provided by the DEC. Independent observers recounted that representatives of the DEC ignored their remarks about the need to properly seal the ballot boxes.

Ultimately, the official results confirmed a landslide victory for candidates loyal to President Lukashenka. Not one opposition candidate managed to secure a seat in the parliament.

Civil Society

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
6.75	6.75	6.75	6.50	6.50	6.25	6.00	6.00	6.25	6.50

In 2012, Belarus's activists and civil society organizations endured heightened repression at the hands of the authorities. The government arbitrarily detained two apparently innocent citizens in connection with “teddy bear bombers” stunt in July and Belarusian activists involved in similar prodemocracy demonstrations faced fines and jail time. During the parliamentary election campaign, authorities denied international election monitors entry visas. The offices of prominent human rights groups were closed and NGOs continue to face denial of registration.

In response to the expansion of the EU's travel ban in February, Belarus expelled the EU and Polish ambassadors from Minsk and restricted international travel for

some 40 opposition politicians, civil society activists, independent journalists, and analysts. The limitations were removed after members of civil society appealed to the courts and relevant administrative bodies, but some public figures encountered ongoing harassment via additional checks imposed by the Ministry of Taxes and Duties.

In summer 2012, authorities arrested and detained two apparently innocent Belarusian citizens for their alleged connection to a stunt conducted by two employees of the Swedish advertising agency Studio Total. On 4 July, the two Swedes illegally crossed the Lithuanian-Belarusian border by plane, dropping hundreds of teddy bears with freedom-of-speech slogans attached. Initially, Belarus's Ministry of Defense denied that the flight had ever taken place, but when freelance journalist Anton Suryapin published photos online confirming the incident, authorities arrested him as well as Sergei Basharimov, a real estate agent who had been contacted by Studio Total about renting an apartment in Minsk before the incident took place. Both were charged with organizing illegal immigration, though there was no evidence linking either to the organization of the stunt. Public statements from the KGB indicated that their detention was intended to coerce the Swedish company into sending the pilots of the plane to Belarus for questioning.¹⁴ Though Swedish authorities refused to cooperate, Suryapin and Basharimov were released on bail after a month in detention. The charges against them were still pending at year's end.¹⁵

Studio Total's operation was inspired by another demonstration staged in February by activist Pavel Vinogradov, who placed stuffed animals carrying placards calling for freedom of expression and criticizing police brutality in a flowerbed in front of the government's headquarters in Minsk. He was sentenced to ten days' administrative detention. In August, police detained two journalists, Yulija Doroshkevich and Irina Kozlik, for photographing themselves holding teddy bears in support of free speech in Belarus. Authorities considered the act of taking the photos equivalent to organizing an "unauthorized rally" and both were fined 3 million Belarusian rubles (\$360).¹⁶

Amidst its appeals to end EU sanctions against Belarus, the regime allowed antigovernment activists to peacefully celebrate Freedom Day on 25 March and released two prominent political prisoners, Andrei Sannikau and Dzmitry Bandarenka, in April. However, authorities quickly returned to their usual tactics, escalating reprisals against independent political analysts in the run-up to the parliamentary elections in September. Among those targeted was the academic director of the Belarusian Institute for Strategic Studies (BISS) Aleksei Pikulik, who was arrested on 31 May for "hooliganism" just outside his apartment in Minsk.¹⁷ Editor-in-chief of the cultural studies journal *Arche* and member of BAJ Valerka Bulhakau was arrested at a release event for his book, *Sovietization of Western Belarus*. Facing possible legal action on charges of extremism and the illegal distribution of literature, Bulhakau fled the country in November.¹⁸

The regime interfered with civil society initiatives to monitor the elections, preventing a number of international observers from entering Belarus due to

arbitrary visa complications. OSCE election observers from Germany and Lithuania were denied entry visas with no explanation from Belarusian authorities.¹⁹ Foreign members of the International Federation of Liberal Youth were detained and forced to leave the country for unspecified violations of visa rules.²⁰ Authorities also cracked down on the distribution of campaign materials, banning opposition activists from organizing street protests and handing out leaflets advocating their activities.²¹ Numerous activists involved in the ongoing Tell the Truth campaign were arrested in the weeks before election day and sentenced to administrative detention.²²

After the elections, the regime continued to detain activists on political grounds, often on spurious charges backed by little or no evidence. In November, Andrey Haydukou, the leader of the obscure Union of Young Intellectuals, was arrested by the KGB on charges of treason for apparently joking about receiving project funding from the CIA. Although another activists, Ilya Bahdanau, detained in connection with the case was released on recognizance, Haydukou remained in detention at the end of the year and very little information had been revealed about his case.²³

Legal harassment of nongovernmental organizations (NGOs) intensified with the closure of the offices of two prominent organizations in 2012. In October, a Minsk court ruled to liquidate the human rights center Platforma for allegedly failing to fulfill reporting requirements and having an office located at a different address than was stated in its registration documents.²⁴ In late November, leading Belarusian human rights organization Viasna was evicted from its premises in connection with the sentence imposed on its chair, the vice-president of the International Federation for Human Rights, Ales Bialiatski.²⁵ Amnesty International called the move a blatant violation of Belarus's international human rights obligations.²⁶

In June, the House of Representatives approved amendments to the code of administrative offenses, introducing higher fines for conducting public opinion polls that are not sanctioned by the state-run Commission for Public Opinion Surveys. The law appears to be another step towards restricting research on public opinion in Belarus; in 2002, the state established the commission in order to monitor the production and results of opinion polls. Social scientists believe that the state is concerned that independent opinion surveys will contradict its official propaganda, especially regarding election exit polls, and compromise the regime's legitimacy.²⁷ Officially only one research institute—the Independent Institute of Socio-Economic and Political Studies (IISEPS)—conducts regular social surveys and has consequently run up against continuous problems with the authorities.

Attempts to organize the country's civil society groups yielded mixed results during 2012. In November, the National Platform of the Eastern Partnership Civil Society Forum (EaP CSF), an association of more than 50 Belarusian NGOs that had participated in the EU's regional forum, adopted a development plan for 2012–14 that set goals and priorities and described the structure and procedures of the grouping. However, a number of member organizations rejected the new development concept because it separated the Belarusian National Platform from the EU-sponsored forum and set broader goals, some of which were political in nature. Such internal disputes and the failure to establish functioning working

groups damaged the platform's appeal among NGOs, leading them to focus on their individual activities.

In March, the EU launched the European Dialogue for Modernization (EDM)²⁸ with Belarus, creating another platform for communication and cooperation among various civil society organizations, businesses, and authorities. The EDM has the potential to build managerial capacity and expertise in the civil society sector and expand the pool of human resources for developing and implementing modernization programs, but its goals remain unclear and the dialogue between stakeholders is troubled by a lack of finances and cooperation from Belarusian authorities. Furthermore, the government's poor relations with the EU leave little hope for an immediate breakthrough in these European reform initiatives.

Independent Media

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
6.75	6.75	6.75	6.75	6.75	6.75	6.50	6.75	6.75	6.75

The Belarusian government tightly restricts media freedom and state-controlled media outlets engage in progovernment propaganda. In response to the opposition's campaign to withdraw from parliamentary elections in September, the CEC ruled to forbid opposition candidates from using their allotted television and radio airtime to advocate for a boycott. Although the decision contradicted the amendments to the electoral code that guarantee candidates greater access to the media, campaign speeches that contained language advocating for a boycott were censored and state-run media denied airtime to some opposition candidates.

Pressure on both domestic and foreign journalists intensified in the run-up to parliamentary elections, with BAJ registering 15 arbitrary detentions of journalists.²⁹ A week before the elections, plainclothes officers forcefully arrested a group of Belarusian and foreign journalists at a rally for the Tell the Truth initiative. Four reporters from Germany and Sweden who had obtained accreditation to cover the elections were denied visas and two Swedish journalists were forced to wait for their visas for 16 hours upon arrival at the airport. After covering the elections, Australian journalist Amos Roberts was detained at the Minsk airport and his camera and equipment were confiscated.

During the election period, authorities also began targeting activists using social networks to campaign against the government. Several moderators of antigovernment groups on the VKontakte social network were detained in late August, including the administrators of Liapis Trubetskoy—Free Concert in Minsk and *Nadoyel nam etot Lukashenka* (We are sick of Lukashenka). A week later, Oleg Shamruk, the creator of the latter, was detained in Vitebsk.³⁰ Sergei Bepalyi, a moderator for another online group affiliated with the opposition, fled the country in fear of arrest after authorities searched his apartment and confiscated his computer.³¹

According to the Ministry of Information, as of April 2012 there were 1,411 print media outlets registered in Belarus.³² About three-fourths are privately owned, but the market for news remains dominated by state-run publications. Official statistics show that a growing number of new private print media were registered during the first half of 2012, but as the majority of nonstate media confine themselves to entertainment and apolitical content, this increase was not reflected in a greater abundance of new independent resources covering sociopolitical issues. Only those publications that are distributed by the state-monopolized press distributors Belposhta and Sayuzdruk are widely available in subscription catalogues and news kiosks. In 2012, the independent newspapers *Novy Chas* and *Borisovskie Novosti* were excluded from distribution by the state-monopolies, limiting their circulation significantly.

Independent media are often subject to harassment and intimidation from the authorities through the issuing of legal warnings. Belarusian media legislation allows the Ministry of Information to order the closure of a media outlet after only two legal warnings, which may be given for minor editorial mistakes. Authorities admonished the newspaper *Inform-Pragulka* for allegedly publishing false information about the number of employees at one of the companies that was founded when a large group of members left the official trade union in February. In 2012, at least 13 journalists from across the country received warnings from the KGB and the prosecutor's office for cooperating with foreign media without proper accreditation.

In more extreme cases, detention is also used as an intimidation tactic against members of the media. A correspondent for the independent broadcaster European Radio for Belarus, Pavel Sverdlov, was arrested for swearing in public 15 days after publishing of a news report on the insufficient security measures in the subway after the April 2011 terrorist attack.³³ According to BAJ, more than 20 journalists were detained in 2012 without any legal justification.³⁴

In an effort to control the information flowing in and out of the country, the activities of foreign journalists are sometimes restricted within Belarus. In March, a camera crew from the Swedish SVT channel was detained in Minsk while attempting to film an interview with an activist from the "silent protests." During the same month, law enforcement apprehended a crew from the Estonian TV3 channel filming a segment for a program on missing persons. A number of prominent Belarusian journalists and editors of independent media were also temporarily prevented from traveling abroad after Belarusian authorities issued travels bans on media and civil society actors in response to EU sanctions in February.

Libel remains a criminal offense in Belarus and journalists frequently face high fines and imprisonment for criticizing the president or his regime. During 2012, three criminal cases were brought against journalists. After being convicted of libel in 2011, a correspondent for the Polish daily *Gazeta Wyborcza*, Andrzej Poczobut, was again accused in June 2012 of insulting President Lukashenka in several online articles. In August, Nikolai Petrusenko, a journalist for *Vitebsky Kurier* and an

independent candidate in parliamentary elections in September, was charged with insulting a state official one day after his candidate registration was finalized.

Most citizens still have fairly free access to the internet and online media. However, authorities continue to use informal means, such as the withdrawal of advertising contracts and distributed denial of service (DDoS) attacks, to control popular independent sites. During the preelection period, an opposition website used for campaigning for the election boycott, Boikot.info, was subjected to a DDoS attack.³⁵ Due to restrictions imposed by the state telecommunications company in 2011, many of the sites of major opposition or civil society organizations, such as those of Belarusian Partisan and Charter'97, are no longer accessible in government agencies or educational institutions. Internet penetration in Belarus grew by 23 percent in 2012.³⁶ Despite the government's capacity to exert stricter controls over the internet, its interference with online communications during the year was selective and limited.

A number of independent media radio stations—Radio Racyja, European Radio for Belarus, Belsat, Radio Free Europe/Radio Liberty—avoid state censorship by broadcasting from outside Belarus.

Local Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	6.50	6.50	6.50	6.75	6.75	6.75	6.75	6.75	6.75

Heads of Belarus's regional and district administrations are directly appointed by President Lukashenka. Local officials have extensive responsibilities in carrying out central government programs, especially in the areas of health, administration, and infrastructure; only a few services, such as institutions of higher education and medical clinics, are directly administered by central government bodies. However, local governments are often underfunded due to the lack of local revenue sources.

The state maintains a highly centralized system of local governance, shaped by the coexistence of soviets (councils) and executive committees on every governance level—regional, district, and village council. Although executive committees are the nominally authoritative organs of the soviets, in practice they rarely consult the opinion of their respective councils; Lukashenka removed the subordination of the executive committees to the soviets in 1994. Executive committees function as formal bureaucracies that are loyal to the regime without any strong political affiliation or accountability to their local communities. In 2012, local administrations were completely unresponsive to frustration of local residents about the delayed implementation of visa-free border agreements with Lithuania and Poland, making no appeals to higher authorities on their behalf.

The most recent election of the members of local soviets (People's Deputies) took place in April 2010. Local officials and directors of state enterprises dominate these positions.³⁷ Of the 21,000 soviet deputies throughout the country, only 10 are members of the political opposition. Yet, within the soviets, opposition members

are permitted to freely express diverging viewpoints. Although the outspokenness of a few opposition members of the soviets may give the appearance of the regime's greater tolerance for criticism at the local level, critics warn that this may be a disguised strategy for monitoring and containing complaints before they reach national political discourse. Although People's Deputies have limited power, they have a recognized status in local politics, granting them access to local municipal bodies and state organizations.

State authorities tend to be more attentive to local level initiatives than to national opposition movements, but engagement is usually limited to diffusing conflicts. Beginning in January 2011, local residents began protesting the construction of an industrial park by the Chinese government in Belarus's Smaliavichy District, near Minsk.³⁸ Residents complained they were never properly informed of the plans to build the park and worried about its environmental repercussions. In early 2012, the protests gained momentum and with the support of the opposition Tell the Truth movement, opponents of the park lobbied for a local referendum on the issue. At that point, the government finally responded by issuing a number of assurances. However, the regime stopped short of allowing a public vote and ultimately continued cooperating with the Chinese government on the building of the park.

Progovernment political forces dominate local government, while opposition groups have a weak presence outside of Minsk and few political developments or events take place outside the capital. In general, the opposition concentrates its activities almost exclusively on the national level; rallying for change from the top down, beginning with the office of the president and the national governing bodies. Relations between opposition parties and their own regional structures are problematic, with internal disagreements over party loyalty and whether regional members are bound by decisions made by central party organs.

Judicial Framework and Independence

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	7.00	7.00

Due to the absence of checks and balances in the Belarusian political system, the judicial branch lacks genuine independence, undermining the rule of law. Judges and prosecutors regularly defer decision-making to the executive branch for fear of jeopardizing their careers. In 2012, there were numerous politically motivated court decisions against opponents of the government, parliament voted to expand the definition of terrorism to include civil and political activities that seek to challenge the regime, and the alleged Minsk subway bombers were executed despite evidence of a faulty trial.

Sometime in early March 2012, Dmitry Konovalov and Vladislav Kovalev were executed for allegedly carrying out a bomb attack on the Minsk metro in

April 2011. On 17 March 2012, the Kovalev family received a letter from the Supreme Court of Belarus confirming their son's execution. The executions of both Kovalev and Konovalov were confirmed the same evening on state television. The two men had been convicted in November 2011 in a highly publicized trial that many human rights defenders criticized for lacking conclusiveness and due legal process.³⁹

Months before the executions, the Kovalev family filed a complaint to the United Nations Human Rights Committee, claiming that the trial was fraudulent due to Kovalev's forced confession. The committee responded by asking the government of Belarus to postpone his execution until it had time to issue a decision in the case. In November, eight months after Kovalev was executed, the committee found Belarus guilty of violating his right to a fair trial, the presumption of innocence, and the prohibition of torture, and demanded that the government compensate Kovalev's family and disclose the site of his remains.⁴⁰ The government ignored the committee's conclusions.

In Belarus, the power to release political prisoners and absolve criminal liability belongs solely to the president. Political inmates are often tortured and harassed into asking the president for a pardon. Former presidential candidate Andrei Sannikau and his advisor Dzmitry Bandarenka were released in April 2012 after being reportedly coerced into admitting their guilt and petitioning President Lukashenka for their release. Civic activist Sergei Kovalenko was released in September allegedly under the same conditions. On rare occasions, political prisoners are pardoned without a formal appeal. Between September and October 2011, a number of political prisoners were reportedly granted early release as a result of a deal between President Lukashenka and Bulgarian foreign minister Nikolay Mladenov, in which Lukashenka promised to release all political prisoners by the beginning of October. Lukashenka denied that such an agreement ever existed and halted the release of all political prisoners until April 2012. Twelve political prisoners remained behind the bars during 2012; nearly all of them reported pressure to appeal for a presidential pardon.

Human rights defenders widely consider the penalties imposed on political prisoners to be unfair and excessive.⁴¹ In November, the United Nations Working Group on Arbitrary Detention (WGAD) ruled that the detention of Viasna chairman Ales Bialiatski was arbitrary and contradicted the Universal Declaration on Human Rights and the International Covenant on Civic and Political Rights, calling for his release and due compensation.⁴²

Political prisoners are harshly punished for alleged violations of prison rules, sometimes with a prolongation of their sentence. Former presidential candidate Mikalai Statkevich was placed in solitary confinement for 10 days in June, where he was deprived of sleep and warm clothing, for refusing to share a cell with a dangerous inmate.⁴³ In August, human rights groups condemned the decision of Belarusian authorities to extend the sentence of the leader of the youth opposition organization Young Front, Zmitser Dashkevich, for another year due to his "repeated failure to obey prison authorities."⁴⁴

The size and number of pretrial detention facilities and prisons are inadequate for Belarus's large prison population.⁴⁵ After Russia, Belarus has the highest inmate population per 100,000 citizens in Europe.⁴⁶ Due in part to overcrowding in prisons, mass amnesties occur frequently. The country's 12th mass amnesty took place in July 2012 with the early release of about 7,500 prisoners.⁴⁷ Occasional riots and cases of self-inflicted violence are reported among inmates, but authorities rarely acknowledge the credibility of such reports.

Representatives of human rights organizations and the regime's political opponents are regularly targeted for administrative arrest, usually on dubious charges ranging from swearing in public to disorderly conduct of which conviction is all but guaranteed. In the run-up to parliamentary elections in September, social network administrators faced a series of administrative penalties for their antigovernment activism online. In response to the expanded EU sanctions, Belarus temporarily reinstated the Soviet-era practice of preventing key opponents, including human rights activists, from leaving the country.

Belarus does not have a human rights ombudsman. Although the country is a state party to the Optional Protocol to the International Covenant on Civil and Political Rights, law enforcement agencies regularly ignore communications from the UN Human Rights Committee regarding individual complaints and do not take measures to implement the committee's recommendations.

In November, the parliament passed controversial amendments to the laws on countering terrorism and extremism, expanding the definition of terrorism to include social and political activities aimed at destabilizing the regime and empowering the army to carry out counter operations. Despite ambiguities in the laws, the Constitutional Court positively reviewed the drafts, confirming their full conformity with the constitution.⁴⁸

Corruption

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
5.75	6.00	6.25	6.25	6.25	6.00	6.00	6.00	6.25	6.25

Belarus's legal framework addresses the issue of corruption and contains a test for the corruption potential of draft laws planned for consideration by parliament. In 2003, the government of Belarus issued the State Program on the Struggle against Crime and Corruption, an action plan mandatory for all government bodies. Nevertheless, Belarus's economy remains dominated by the public sector, and the vast discretionary power of bureaucrats to regulate economic activities creates ample opportunities for extortion. This is especially true in sectors dominated by excessive regulation, such as trade, exports, and petrochemicals.⁴⁹ In addition, the process of privatizing state property suffers from a lack of transparency.

During the first half of 2012, Belarus intensified its long-standing practice of labeling Russian-imported oil as "solvents" and reselling it to Europe. The

scheme allowed the regime to bypass export tariffs to Russia as the Customs Union agreements did not tax the export of petroleum byproducts. By the summer, Belarus's unusual budget surplus and continued projected growth for 2013 led Russian authorities to grow suspicious. In July, Russia exposed the scheme, significantly reducing oil supplies to the country and demanding that Belarus pay an estimated \$1.5 billion in compensation for its losses.⁵⁰ Although Belarusian Prime Minister Mikhail Myasnikovich gave assurances that Belarus had halted all exports of solvents in August, the Russian government changed the framework of the customs agreements to prevent Belarus from exploiting this loophole in the future. Although the dispute remained unresolved in 2012, it did not prevent Russia from announcing in October that it would continue to provide gas exports at a special reduced rate.⁵¹

The judiciary serves as a tool of the executive branch and prosecution of corruption-related activities remains selective. Corruption cases in Belarus usually have a broader agenda, such as reinforcing loyalty to the regime or eliminating wayward bureaucrats. While targets are typically low-level state functionaries, the regime brought exceptional cases against several high-ranking officials in 2012. The mayor of Gomel, Viktor Pilipets, was arrested on charges of real estate fraud in August 2012. Deputy Governor of Vitebsk Leonid Kovalev, who had been in police custody since 2011, was finally sentenced to 7 years' imprisonment for bribery in September.⁵² The deputy mayor of Minsk, Igor Vasiliev, was also arrested on charges of having solicited a bribe of \$500,000, apparently the largest bribe recorded in Belarus since 2007.⁵³ The head coach of the national athletics team was arrested on suspicion of extorting bribes from top athletes in exchange for burying positive drug test results and the misuse of sponsorship funding.⁵⁴ Yet, despite the prosecution of higher-level officials in 2012, authorities largely ignored the systemic causes of corruption, namely a lack of public oversight and transparency and the practice of recruiting state employees on the basis of loyalty.⁵⁵

Although the overall business climate remained virtually unchanged in 2012, Belarus slightly improved its rank in the World Bank's 2013 *Doing Business* report from 60th to 58th place. The improvement was due to simplification of certain procedures (tax procedures, for example) and the ease of enforcing contracts, as well as the lowered cost of construction permits.⁵⁶ Meanwhile, the report noted a decline in the indicators measuring the ease of getting credit, protecting investors, and resolving insolvency.⁵⁷ Although the simplification of administrative procedures has caused Belarus's rank to rise steadily since 2009, a number of administrative barriers for business remain, particularly unequal economic conditions for public versus private entities.⁵⁸ Belarus also improved its standing in Transparency International's Corruption Perception Index climbing from 143rd to 123rd place.

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