

# Belarus

*Capital:* Minsk

*Polity:* Presidential

*Economy:* Statist

*Population:* 9,900,000

*GDP per cap at PPP:* \$7,544

*Private sector as % of GDP:* 20

*Ethnic Groups:* Byelorussian (81.2 percent), Russian (11.4 percent), Polish, Ukrainian, and other (7.4 percent)

## Nations in Transit Ratings and Averaged Scores

	1997	1998	1999	2001	2002	2003
Electoral Process	6.00	6.25	6.75	6.75	6.75	6.75
Civil Society	5.25	5.75	6.00	6.50	6.25	6.50
Independent Media	6.25	6.50	6.75	6.75	6.75	6.75
Governance	6.00	6.25	6.25	6.25	6.50	6.50
<b>Democratization Scores</b>	<b>5.90</b>	<b>↓↓6.20</b>	<b>↓6.44</b>	<b>↓6.56</b>	<b>6.56</b>	<b>↓6.63</b>
Constitutional, Legislative, and Judicial Framework	6.00	6.25	6.50	6.75	6.75	6.75
Corruption	na	na	5.25	5.25	5.25	5.50
<b>Rule of Law Scores</b>	<b>na</b>	<b>na</b>	<b>5.88</b>	<b>↓6.00</b>	<b>6.00</b>	<b>↓6.13</b>

NOTE: The ratings and scores reflect the consensus of Freedom House, its academic advisors, and the author of this report. ↑↑ and ↓↓ indicate score changes of .25 or more; ↑ and ↓ for changes of less than .25. The opinions expressed in this report are those of the author.

## INTRODUCTION

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**B**elarus has the grim distinction of being the sole dictatorship in Europe. Under the authoritarian leadership of President Alyaksandr Lukashenka, the land that had been the wealthiest republic in the former Soviet Union has been in slow and steady decline since gaining independence. With the economy a shambles, many Belarusians are nostalgic for the social safety net of the Communist era.

The country has also grown increasingly isolated internationally since the presidential elections held in September 2001. Both the domestic opposition and the international community had hoped that the election would mark a turning point, ushering in a more open society at home and improving the country's relations with the outside world. These hopes have remained unfulfilled, and if anything, the situation has deteriorated.

Belarus remains trapped under the weight of its Communist past. During the Soviet era, Moscow prevented Belarus from developing any sort of national identity, instead creating a docile republic that faithfully served its master until the end. A native nomenklatura (state bureaucracy) was late in developing, as was a local elite, since the ambitious generally set their sites on Moscow rather than Minsk. The first political and social movements in Belarus arose as a result of developments in Moscow, namely Gorbachev's policies of perestroika and glasnost in the 1980s. Unlike most other Soviet republics, however, Belarus did not have a strong local Communist elite to serve as the focal point of a national democratic movement. Instead, small interest groups with nonpolitical goals emerged—often around specific issues such as the Chernobyl disaster or to promote Belarusian language and culture. By the time Belarus declared independence in July 1990, events in Moscow were still spurring the most significant political changes in the country.

Since coming to power, President Lukashenka has reintroduced the state symbols used by the old Belorussian Soviet Socialist Republic. In 2002, the president approved a streamlined version of the Soviet-era anthem, “My Belarusy” (“We Belarusians”), as the country's new national anthem. At the same time, he has outlawed national symbols that had been chosen for independent Belarus in 1991, most significantly the red-and-white Pahonia flag and symbol, equating them with fascism.

Consistent with his traditional, Soviet-era paternalism, Lukashenka regularly harangues ministers and heads of state enterprises and collective farms

for not meeting production targets or otherwise holds them responsible for the generally poor state of the economy. Events like the annual Battle for the Harvest and Slavic Fair hark back to the Soviet era, as do grandiose construction schemes, such as the new national library, and calls for economists to be more ideological. Moreover, Lukashenka has complete control of the budget, as well as an undisclosed amount at his disposal in a presidential fund, giving him free rein to finance large-scale populist projects such as the beautification of downtown Minsk.

In the dying days of the Soviet Union, Belarus's political playing field grew rapidly as numerous political parties emerged. Their number peaked at 34 before the first parliamentary elections in 1995, with half appearing in the year before the vote. Mirroring events in other post-Soviet republics, many of these parties gained little support beyond a small interest group, had ill-defined platforms, and often lacked any ideological or social basis. In short, the political process began as a chaotic free-for-all.

Prior to the 1994 presidential elections that swept Lukashenka to power, attitudes toward Belarusification, democratization, and market reforms were the primary points of discord among political parties. Eventually, however, the question of integration with Russia created two distinct camps. This was primarily because integration—essentially the reconstitution of the former Soviet Union in some manner—largely determined the position taken on democratization and market reforms. It was fundamentally a question of how to deal with post-Soviet malaise: move forward or fall back.

The early 1990s was also a period of continued rule by the *nomenklatura*, which had renounced its Communist ideology while retaining its power and privileges. One of the results was rampant corruption and skyrocketing inflation as the government launched privatization. By 1994, living standards were half of what they had been in 1990, prices had soared and were 432 times higher than in 1992, and gross domestic product had dropped by 20 percent. By most accounts, Lukashenka was elected on a protest vote. He had systematically criticized the *nomenklatura* and official corruption. To a large extent, he has kept his original promises and restored—however superficially—a sort of Soviet Union Lite.

Belarus is a country of contradictions. It has a highly educated and skilled workforce, but over half the population lives below the poverty line. Belarus also has one of the lowest official crime rates in Eastern Europe but has the third highest prison population, per 100,000 persons, in the world (after the United States and Russia). Women are better educated than men on average but dominate the lowest-paid professions. These contradictions are also reflected in the country's laws and their application in practice. While much of the existing legislation arguably provides for individual freedoms, in practice most freedoms are severely curtailed. While Lukashenka's rule is milder compared with Soviet repression, Belarus's democratic development has clearly stalled.

The 2001 presidential elections were to a large extent a test of strength for civil society in Belarus. The coordinated election campaign organized by the democratic opposition showed that some progress had been made in terms of consolidating opposition forces. However, the fundamental weaknesses of political parties, nongovernmental organizations (NGOs), and the media proved impossible to overcome. Voter mobilization campaigns encouraged the population to get involved and vote. Since voter turnout was officially 83.9 percent, the highest level since independence, the mobilization campaigns were arguably successful. Unfortunately for the opposition, the higher turnout failed to translate into more votes. Perhaps more important, however, were the lessons that the opposition could take from the campaign.

From the outset, most opposition figures admitted, at least privately, that they did not expect to defeat Lukashenka but rather saw the elections as an opportunity to assess their collective strength. In this respect, the campaign successfully demonstrated the hurdles that opposition parties, civil society, and independent media face, from both the authorities and their own shortcomings. Overall, opposition parties failed to seize the opportunity to increase their recognition among voters, and no new leaders emerged.

As for the regime, President Lukashenka is as firmly entrenched as ever. Despite polls by the Independent Institute of Socio-Economic and Political Studies (IISEPS) showing that only 27 percent of the electorate would vote for him in a presidential race and only 13 percent approve of his rule, there is no indication of widespread domestic instability. The introduction of harsh laws restricting freedom of religion and a controversial proposed Law on the Media further signal the state's lack of concern for international norms. Meanwhile, the economy continues to decline steadily as the government refuses to reform an industrial base that is rapidly becoming obsolete. Agriculture is similarly dominated by state collective farms that almost universally operate at a loss. There are also serious delays in payment of pensions, and more than one million people are not paid their salaries on time, with some facing arrears of several months.

In its 2003 Index of Economic Freedom, the U.S.-based Heritage Foundation characterized Belarus's economy as "Repressed." Between 1992 and 2001, Belarus's average annual rate of inflation, on a weighted basis, was 112 percent. The government has not taken sufficient steps to meet the lending requirements of the World Bank, the European Bank for Reconstruction and Development (EBRD), or the International Monetary Fund, all of which have expressed dissatisfaction with the country's lack of progress. In May 2002, the EBRD stated that the country's investment climate remains one of the most difficult in the region and decided to reduce its funding programs.

Meanwhile, relations with Western democracies have worsened. Several have accused Belarus of involvement in the illegal arms trade while express-

ing concern for the fate of democratic activists and others who have disappeared in recent years. In November 2002, most European Union members declared Lukashenka and eight other senior officials *persona non grata*. The United States followed suit shortly thereafter.

Perhaps more troublesome for the government are indications that the largely unconditional economic and political support received in the past from Russia, by far Belarus's largest trading partner, may be slackening. Forming a union with Russia has been the centerpiece of Lukashenka's foreign policy, but the changing dynamics of Russia's relations with the West, and the United States in particular, seem to have dampened Russia's enthusiasm for moving ahead with the union. The rift between Moscow and Minsk widened further when Gazprom announced in late October that it would cut its deliveries because Belarus had used up its allotment of heavily subsidized gas for the year and threatened to completely halt natural-gas supplies if Belarus does not accept a higher price. Belarus has incurred a massive gas bill of \$251 million since 1999.

Perhaps the only bright spot in an otherwise gloomy situation, according to an assessment prepared for the Council of Europe in September 2002, was the increased discussion regarding lifting the death penalty. Another positive sign, though, is that an IISEPS poll showed that 53.4 percent of respondents would support their country's accession to the European Union, suggesting that many are keen on reforms.

International pressure does not seem to have had much of an effect on Lukashenka. While the president professes a desire for *détente* with Western democracies, he has done little to foster better relations. On the contrary, he has criticized sharply the Minsk mission of the Organization for Security and Cooperation in Europe (OSCE) for its involvement in preelection activities and has effectively closed down the mission by refusing to grant foreign staff visa extensions, with the last foreign member being forced to leave in October 2002. Nevertheless, under a December agreement the OSCE mission was scheduled to resume operations in February 2003.

Meanwhile, human rights continued to be violated with impunity. Police broke up a Freedom Day demonstration in March 2002, making 59 arrests. Approximately 1,500 people had gathered in Minsk to observe the 84th anniversary of the establishment of the Belarus National Republic in 1918. Opposition parties and NGOs organized the demonstration. On April 19, a reported 3,000 people participated in a march called "You Cannot Live Like This" to protest falling living conditions. The march was dispersed by special police units, and more than 100 people were arrested. Most of those arrested faced fines and up to 15 days in prison after deviating from the officially approved route. On a positive note, Andrei Klimov, an outspoken opponent of the regime who had been in prison since 1998 after being convicted of financial mismanagement, was released in March.

# DEMOCRATIZATION

## Electoral Process

1997	1998	1999	2001	2002	2003
6.00	6.25	6.75	6.75	6.75	6.75

The 13<sup>th</sup> Supreme Soviet, voted into office in 1995, was Belarus's last democratically elected Parliament. The opposition had a smaller presence in this body than it had in the 12<sup>th</sup>, but it continued to act independently of, and often in opposition to, Lukashenka. However, the Supreme Soviet was not strong enough to challenge executive power and was de facto dissolved in November 1996. Its successor, the appointed National Assembly, was denied entry into the Council of Europe's Parliamentary Assembly because Belarus's 2000 parliamentary election was deemed undemocratic by European parliamentary organizations. Currently, there are reports of groupings within the National Assembly that criticize governmental policies, but it is difficult to determine whether this is genuine or contrived. There are several independent members of the National Assembly, but they are few and disorganized and to date have been ineffective.

The present electoral code was adopted in February 2000 and, according to the OSCE, "fails to provide for democratic elections." Several of its questionable articles are contrary to internationally accepted democratic principles, the Universal Declaration of Human Rights, and Belarus's own 1996 Constitution, as well as conditions set forth by the OSCE and standards set by the Council of Europe. The existing code suffers from several serious shortcomings: it fails to provide pluralistic and multiparty representation on election commissions or for the independence of election commissions; does not provide for a sufficient level of transparency in electoral processes; lacks a uniform appeals process for the decisions of election commissions; and excessively regulates campaign activities to the point of stifling robust, vigorous campaigning and freedom of speech. Moreover, the lack of clarity regarding candidate registration may hamper the participation in elections of legitimate candidates.

By 2001, political parties had largely lost any direct influence on politics and also had little influence on society at large. Party representatives spend much of their time and energy raising awareness and gaining support for the democratic movement from the international community instead of building a solid base at home. Though opposition parties showed marked improvement in their ability to cooperate and coordinate during the 2002 presidential elections campaign, they remain weak and enjoy little popular support. This is due in part, though not entirely, to state repression.

Political movements and parties do not have long traditions in Belarus. Most of today's democratic political elite began their activities in one of the many informal associations that sprang up in Belarus in the late 1980s. These associations generally focused on educational or historical activities revolving around Belarusian cultural awareness. The Belarusian Popular Front (BPF) and *Adradzhenne* (Revival), a sociopolitical movement, held a constituent congress in 1989. The BPF led the country's democracy movement, though its primary goals were national revival and Belarusian sovereignty. Parallel developments among Russian-speaking intelligentsia focused on the broader political trends within the Soviet Union by promoting democratic ideas and criticizing the existing political system. The opposition failed to rally around issues that could unite the electorate at large.

The adoption of the new Constitution in 1996 largely marked the end of party development in Belarus. President Lukashenka managed to outmaneuver both the entrenched Soviet establishment and the rising democratically oriented elite by bringing into power his own cadre of loyal followers, most of whom came from a similar background—regional middle management—and owed their positions to him. After his success in revamping the Constitution in 1996 to centralize power, Lukashenka's authoritarian style of rule was firmly in place and changed the balance of power in the party system. Ideological differences became secondary to the position one took toward the president. The choice for parties became whether to oppose the dictatorship, and therefore be marginalized, or submit and become a puppet party. A number of parties splintered as a result of internal disputes on the matter; some, such as the Agrarian Party, did so to the point of disintegration.

The 1994 Law on Political Parties, which regulates party life, replaced a 1990 provisional regulation. Under the law, political parties need at least 500 members to register. Foreign financing is banned. In early 1999, President Lukashenka issued a decree, *On Selected Measures to Regulate the Activity of Political Parties, Trade Unions, and other Nongovernmental Associations*, which forced all such organizations to reregister prior to August 1. Organizations failing to comply could have their activities suspended. The decree also obliged parties to have at least 1,000 members and branches in at least four regions. Out of 43 parties registered at the beginning of 1999, 6 were pro-presidential; 27 were considered truly active. Owing to the president's decree, only 11 opposition parties were reregistered (see table). The most vocal parties, which have the highest profile in the international community, continue to be the BPF, led by Vincuk Viacorka, and the United Civic Party (UCP), led by Anatoly Lebedko. These are two of the original parties founded in the waning days of the Soviet Union based on groupings of Belarusian- or Russian-speaking intelligentsia. Most opposition parties came into existence as splinters of these two groups.

Although President Lukashenka has not outlawed political parties, he has made it difficult for them to operate. Parties have no access to state media, and any mention they do receive is negative. Under the Law on Political Parties, the activities of political parties are subject to review by the Ministry of Justice. These reviews, along with random inspections by taxation officers, are used routinely to harass the opposition. Parties found in breach of their statutes (the most frequent charge) or publicizing meetings, demonstrations, or other unlawful activities receive a warning. A second warning within one year can lead to closure.

Though the current political situation certainly makes it difficult, if not impossible, for parties to function and develop normally, a number of basic internal weaknesses also curtail party development and hinder the formation of an effective united front. Not surprisingly, considering the short history of party development, most political parties lack widespread grassroots support and have done little to increase their constituencies. Most refuse to utilize populist tactics and do not expand beyond the limited sphere of the intelli-

#### Political Parties in Belarus Following 1999 Decree on Reregistration

##### **Opposition Parties**

Agrarian Party (AP)\*

Belarusian Ecological Party of the Greens “BEZ”

Belarusian Party of Communists (BPC)

Belarusian Party of Labour (BPL)

Belarusian Party of Women “Nadzeya”

Belarusian Social Democratic Hramada (BSDH)

Belarusian Social Democratic Party “Narodnaya Hramada” (BSDP NH)

Belarusian Popular Front “Adradzhenne” (BPF)

Conservative Christian Party BPF (CCP BPF)

Liberal Democratic Party of Belarus (LDPB)

United Civic Party (UCP)

##### **Pro-Presidential Parties and Movements**

Belarusian Patriotic Party

Republican Party of Labor and Justice

Slavic Assembly “Belaya Rus”

Communist Party of Belarus

Belarusian Social Sport Party

For Democracy, Social Progress, and Justice (DSPJ)

\*Became pro-presidential in 2000

gentsia. Asked whether they would consider engaging in door-to-door campaigning, the parties typically reply that they can't waste time on "cretins" in the countryside.

Stagnant membership has created a situation in which leaderships have changed little since parties were first founded. This often has made it difficult for parties to achieve unity owing to long-standing disputes and personal conflicts both within and among leaders of the various groups. In addition, all parties are deeply rooted in Soviet traditions. That is, they are dominated by party elders who frustrate the advancement of younger leaders. The heads of the youth wings of many parties are in their 30s. Of the most active Belarusian politicians, the youngest was born in 1968 (Uladzimir Navasyad, a member of the House of Representatives since 2000). The vast majority of politicians were born in the 1940s and 1950s.

The 2001 presidential election failed to meet OSCE standards for democratic elections. Independent observers from the Association of Central and East European Election Officials (ACEEEO), whose mission consisted of 64 observers from 10 Central and Eastern European countries and the United States, as well as a 20-person monitoring mission from the Commonwealth of Independent States, accepted the results. The ACEEEO did express some reservations, though. Ultimately, Lukashenka claimed a decisive victory, with 78 percent of the vote, over Uladzimir Hancharyk (12 percent) and Syarhey Haidukevich (2 percent). Opposition parties claimed that Lukashenka received 47 percent of the vote and Hancharyk 41 percent—a fact that, if verified, would have forced a second round. The presidential elections clearly demonstrated both the extent to which the state is willing to use repressive mechanisms and the fundamental weaknesses and problems of the opposition.

Several decrees were issued prior to the election that strengthened the position of the president within the context of elections and continue to have far-reaching consequences. The most significant were Decree 8 (March 12), which restricted foreign funding; Decree 11 (May 7), which limited the ability of parties to hold meetings and mass rallies; and Decree 20 (June 26), which required presidential candidates to declare their property and income as well as that of their close relatives, spouses, and in-laws.

Candidate registration was difficult and hampered at every step. Once Hancharyk was selected as the opposition's candidate, he was immediately the subject of a smear campaign portraying him as a representative of the Communist nomenklatura. All organs of the regime, including the mass media and police forces, worked to obstruct those opposing Lukashenka's reelection. Human rights organizations noted numerous violations by the authorities, including detentions of canvassers, police raids on candidates' offices, the denial of opposition access to the state media, and biased electoral administration. In two July incidents, police detained volunteers in Grodno who were collecting nomination signatures for independent candidates and

raided four of opposition candidate Syamon Domash's campaign offices.

Authorities strongly encouraged early voting, a process that is almost impossible to monitor and therefore facilitates fraud. The Belarusian Helsinki Committee reported that four universities cancelled classes and closed down dormitories during election week to force students to participate in early voting. Since doing so meant many students had to leave cities for home, they were hindered in their ability to participate in demonstrations or other election-related activities.

Although Lukashenka sought to prevent people from volunteering as election observers, approximately 8,000 individuals received training and joined an umbrella movement called Civil Initiative Independent Observation. The creation of a single domestic nongovernmental observation body was itself an accomplishment. The initiative had branches in each region and nearly every district and major town. Nevertheless, the regime's tactics were sufficient to dissuade many volunteers and effectively sabotaged efforts to conduct a parallel vote tabulation through exit polling. In addition, prior to the start of voting, members of election commissions received anonymous brochures containing techniques for hampering the work of independent observers. The day before the election, the Central Election Commission cancelled the accreditation of some 2,000 domestic observers and denied them access to polling stations.

Pressure on the independent press also intensified prior to the 2001 elections. Throughout March, police interrogated and harassed news vendors selling the independent newspaper *Nasha Svaboda*. Moreover, there was an increase in the number of police raids on newspaper offices, which generally also involved the confiscation of equipment. Security forces from the Ministry of the Interior seized most of *Nasha Svaboda*'s print run on a day when the paper contained several articles critical of the government and information about the opposition candidate. In addition to the actions of police and other authorities, there were several unsolved burglaries that may or may not have been politically motivated, as well as sudden newsprint shortages and other obstructions.

Though the efforts of domestic observers were admirable, the results they produced could not be considered fully reliable. Most observers belonged to opposition political parties, and many were actively engaged in the opposition's election campaign. This was also true of the voter mobilization campaign carried out by NGOs. Many of those concerned with voter mobilization also had collected signatures for democratic opposition candidates or were otherwise involved in overtly political activities.

Ultimately, the fluid relationship among NGOs, opposition parties, and even the independent media is detrimental to all. While it is not necessarily unusual for members of political parties to be active in NGOs as well, too often partisan activities are assumed under the auspices of NGO activity. This

often leads to public distrust and discourages broader civic participation in the life of the country. It also provides authorities with a relatively legitimate reason to shut down NGOs for breaching their own statutes. Finally, this nexus creates serious rifts among politically aligned factions as well as between groups that are partisan and those that have no party links at all. Independent journalists and media outlets also often undermine their credibility by serving as a mouthpiece of the opposition.

The democratic opposition's campaign in 2001 was largely negative, focusing more on criticizing the president than on the issues and ultimately failing to offer voters a viable alternative. Although the opposition's selection of a single presidential candidate demonstrated that its various groupings can work in concert, several efforts to coordinate their activities since then—the latest being the creation of the Coordinating Council of Democratic Forces—have come to naught. Today, Belarus's opposition political parties remain largely ineffectual, and the public appears to have far greater confidence in institutions like the church, the army, and the media than it does in parties. Local elections scheduled for spring 2003 and parliamentary elections due in autumn 2004 will indicate whether any lessons have been learned.

### Civil Society

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1997	1998	1999	2001	2002	2003
5.25	5.75	6.00	6.50	6.25	6.50

With the deterioration of the democratic climate following the 1996 constitutional crisis, many individuals who previously had been engaged in political work were driven into the less overtly political domain of NGOs. As a result, being socially active today is often synonymous with being politically active and, more specifically, an opposition supporter. At the same time, there are numerous nonpartisan NGOs in Belarus such as humanitarian aid organizations.

Although more than 1,900 NGOs are officially registered with the Ministry of Justice, their levels and scope of activity vary greatly. While it is difficult to determine how many NGOs are actually active, it is clear that volunteerism is low, owing mainly to the weakness of the economy, the absence of a genuine tradition of civic engagement, and the public's distrust of NGOs as overly politicized groupings. There is also a lack of widespread knowledge about NGOs and civil society in general. This is due in part to the failure of NGOs to publicize their activities and actively recruit new members.

As with political parties, the legal and regulatory environment for NGOs is restrictive. Decree 8, enacted in March 2001, placed tight restrictions on foreign aid, on which the vast majority of NGOs and independent media are

dependent. These restrictions are not insurmountable, but the authorities use them to curtail activities perceived as threatening to the state. In practice, this tends to rule out any democracy-building activities and generally all but basic social service activities. Moreover, given the poor state of the economy, start-up costs, including registration fees, can be prohibitive. Foreign donations are subject to a high tax rate of up to 40 percent. Like political parties and independent media, NGOs face harassment in the form of compliance reviews and visits by tax inspectors.

Whether directly or indirectly, the presidential administration has created a number of puppet NGOs. These groups act as mouthpieces in support of governmental policies and enjoy the protection and patronage of the state. For example, until recently two of the country's largest youth organizations were the pro-regime Belarusian Patriotic Youth Union, which was created by President Lukashenka in 1997 and nicknamed Lukamol, and the Belarusian Youth Union, the successor to the Soviet-era Communist Youth League (Komsomol). The two groups united in September 2002 to form the Belarusian National Youth Union (BRSM). The president praised the merger, promised governmental support, and said that the BRSM will likely become a major source for recruiting government staff.

Independent youth NGOs have significantly greater problems securing funding, and a number of their most active members face expulsion from school. Many young people end up working in NGOs for lack of other opportunities as well as out of general frustration with the status quo. Moreover, youth NGOs tend to be partisan. The largest and most active groups are junior branches of political parties or affiliates of other NGOs.

Several independent trade unions operate in Belarus and have proved to be important actors in civil society. However, in the wake of the 2001 presidential elections, President Lukashenka launched a "renewal" of the trade union movement and stressed that the unity of the authorities and the trade unions was "very important." In July 2002, Frants Vitko, head of the Belarusian Trade Union Federation, was forced to resign, and in September the group changed its name to the Trade Union Federation of Belarus (FPB). Leanid Kozik, the former deputy chief of the presidential administration, became the FPB's leader. Other genuinely independent trade unions continue to struggle, as they have little to offer potential members and are frequently denied access to workshop floors. The regime's repression of trade unions has been condemned by international labor organizations.

Aside from the Russian Orthodox Church, which is loyal to the regime, religious organizations have limited scope to operate in Belarus. The enactment of a new Law on Religions in October 2002 will further curtail their activities. The law has been heavily criticized by minority denominations and human rights advocates as restrictive and discriminatory. According to the government, the law does not infringe on freedom of religion but is

instead aimed “at preventing religious expansion into the Republic of Belarus and the development of destructive cults and occultism.” In practice, the law will severely limit the activities of various Protestant groups. The U.K.-based Keston Institute, which monitors religious freedom in former Communist countries, has called it “the most repressive religion law in Europe.”

### Independent Media

1997	1998	1999	2001	2002	2003
6.25	6.50	6.75	6.75	6.75	6.75

The State Press Committee controls the licensing of media and routinely violates official procedures. Licenses can be revoked or withheld at the whim of the committee. For example, radio station 101.2 had its license revoked in 1994, apparently for being too critical of the government. Taxes on newsprint and distribution and postal costs for distribution are prohibitively high for nonsubsidized media. Independent printing presses are few, and state-run presses at times refuse to print material considered too critical of the regime.

The police frequently harass pro-opposition independent media, which have had equipment seized and have been victimized by unsolved burglaries. Once a newspaper has been issued two warnings by the committee or by a judge within a year, it can then be closed down. Warnings can be (and often are) successfully appealed, and if a paper is closed by decision of the court, that decision also can be petitioned. However, there has never been a case in which a newspaper has successfully appealed closure. Two papers have been closed under this procedure—*Nasha Svaboda*, in 1994, and *Pahonyia*, in 2001. Tax inspections, fines for offending the honor and dignity of subjects of news reports, and registration procedures are a much more powerful—and frequently used—weapon to intimidate the independent press.

The criminal code contains several articles relating to the press. Article 367 (slander against the president), Article 368 (insulting the president), and Article 368 (insulting government officials) all stipulate prison sentences for journalists found guilty. However, “honor and dignity” cases are more frequent since the prosecutor only has to demonstrate that the subject of an article or report suffered emotional distress as a result of its publication.

Article 19, the London-based freedom of expression watchdog, found the recent Law on Mass Media and Law on Information Security to be “woefully inadequate.” The group noted that “the fact that the changes introduced following consultations with domestic and international NGOs and IGOs [intergovernmental organizations] have been purely cosmetic reveals that the Belarusian authorities simply do not appreciate the magnitude of the task facing them in meeting Belarus’ human rights commitments.” Article 19 found that the draft laws contain several provisions that breach in-

ternational standards. Specific areas of concern were regulatory matters, content issues, freedom of information, protection of sources, and penalties. Discussion of these laws was set to take place in 2002 but has been put off indefinitely.

The closure of the weekly *Pabonya*, published in the city of Hrodno, attracted international attention and made it a symbol of the battle for press freedom in Belarus. It was ordered shut down by the Belarus Supreme Court after it published an unsubstantiated article accusing Lukashenka of being involved in the disappearance of some of his opponents. Nikolai Markevitch, the paper's editor in chief, and reporter Pavel Mozheiko were convicted of slandering the president and sentenced to internal exile with restrictions on their rights for two years, later reduced to one and a half years. Fourteen journalists were arrested during a demonstration in support of the paper, and several received jail terms.

Attacks on the media continued apace in 2002. *Nasha Svaboda* announced in August 2002 that it was folding after being hit with a \$55,000 fine in a libel case brought by a state official and having its equipment seized and bank account frozen. Another paper, *Mestnoye Vremya*, was closed in November. Meanwhile, Viktor Ivashkevich, editor in chief of the independent trade union newspaper *Rabochy*, was sentenced to internal exile for slandering Lukashenka and received a two-year sentence that was later reduced to one year. In September 2002, criminal libel proceedings were launched against Iryna Khalip, a journalist with the independent *Belorusskaya Delovaya Gazeta*, in connection with an article alleging that Prosecutor-General Viktor Sheyman and other investigators may have accepted bribes to close a criminal investigation.

On the broadcasting front, Belarusian Television (BT1) is controlled by the state and does not offer alternative views. News and information programs often slander the opposition with impunity. The government launched a second state television station in May 2002. Observers say that Belarusian Television 2, which broadcasts exclusively in Russian, is somewhat more professional and balanced than the older BT1. Broadcasts from Russia, though not available in all parts of Belarus, provide some alternative views. There is also a network of small regional stations that offer fairly balanced, though very cautious, reporting. International news sources are available both on cable television and in print, though the cost of cable television can be prohibitive and foreign-language newspapers and magazines are not widely found.

Like NGOs, many opposition news outlets are partisan, with reporting often amounting to propaganda. Independent media are almost entirely dependent on foreign assistance, owing largely to the paucity of domestic advertising. Conditions for independent media are repressive but not insurmountable, and several independent papers do exist. These include *Belorusskaya Delovaya Gazeta*, *Belorusskaya Gazeta*, and *Belarussky Rynok*,

all of which operate on a fairly professional level and offer balanced reporting and political analysis. For the most part, however, the independent press is highly partisan toward the opposition, with papers concentrating mainly on criticizing the regime. According to the Media Sustainability Index 2002, produced by the Washington, D.C.-based International Research and Exchanges Board, “A national, independent daily such as *Narodnaya Volya* has no more integrity or credibility than the state newspaper, despite its ‘democratic’ billing.”

## Governance

1997	1998	1999	2001	2002	2003
6.00	6.25	6.25	6.25	6.50	6.50

The government is stable to the extent that all power is concentrated in the executive branch, specifically in Lukashenka’s hands, and there is little to indicate that his position is immediately threatened. Under the 1996 Constitution, Belarus’s National Assembly has extremely limited powers. It has no control over the implementation of laws and the state budget; consequently, the country is ruled almost exclusively by presidential decrees that are “redeveloped” into laws. In October 2002, Lukashenka warned legislators against encroaching on presidential prerogatives. Belarusian Television quoted him as saying, “I am afraid of a chain reaction [leading to] a redistribution of powers in the Republic of Belarus.... We are a strong presidential republic, where the president is the head of state, and there is absolutely no need for counterbalancing the presidential powers.”

Discarding the country’s old elite, President Lukashenka has promoted the rise of new political leaders that are loyal to him. He keeps his underlings in check by means of continuing intrigues, public denunciations, and periodic purges of top-ranking officials. This atmosphere of insecurity has so far succeeded in preventing any one person or group from attaining sufficient stature or support to undermine the president. While discontent within the country is growing, no force has succeeded in harnessing it. Moreover, despite President Lukashenka’s undeniable role as the linchpin of Belarus’s dysfunctional, archaic, and inefficient system of government, his eventual removal from the post will probably not bring immediate relief from the country’s many problems given their depth.

Subnational governments, or local soviets of deputies, have extensive responsibilities. These include local development, housing, social services, public security, fire, education, and even “preservation of national traditions and customs.” There is a three-tier system of local soviets in Belarus: Regional soviets direct and coordinate the activities of the district soviets. These, in turn, direct and coordinate the work of the village and settlement soviets. City soviets, depending on the size and importance of the city, may belong

to the highest (city of Minsk), middle, or lowest level of the system. There are approximately 1,841 local- and middle-tier governments in Belarus.

Local soviets serve four-year terms and are directly elected in voting that has been relatively free and fair. The budgets of subnational levels of government are almost entirely dependent on the central authorities, from whom they receive approximately 50 percent of their budgets. Only about 10 percent of local budgets come from independent revenues, such as local taxes; revenues from managing property and operating housing stock; taxes on industrial, agricultural, municipal, and other local enterprises; and other corporate taxes. Soviets can also receive loans. Overall, they are impoverished and impotent.

The central authorities have the right to assist and supervise the work of the local soviets. At times they use the soviets' fiscal dependence on them to exert tacit pressure. With the possible exception of important cities, though, the central authorities have generally respected the autonomy of the local soviets.

Eight out of every 1,000 citizens are state employees. Of these, 69 percent are civil servants. Belarus's challenges in this area are similar to those of other post-Soviet states. The civil service is too large. Agencies have duplicate or overlapping responsibilities. And workers tend to be both underskilled and underpaid for their job titles. A major overhaul is necessary but would be controversial and painful to implement. Owing to the high degree of centralized power in Belarus, the civil service is inevitably subject to political interference. It is not unusual for papers or applications to be "misplaced" or undergo many months of "review," though at times this could be simply the result of bureaucratic inefficiency.

## RULE OF LAW

### Constitutional, Legislative, and Judicial Framework

1997	1998	1999	2001	2002	2003
6.00	6.25	6.50	6.75	6.75	6.75

The most important legal codes in Belarus are based on model legislation approved by the Inter-Parliamentary Assembly of the Commonwealth of Independent States. A new civil code, adopted in 1998, includes laws on real property, intellectual property, inheritance, and international transactions. A new code of civil procedure was adopted in 1999. Legal proceedings on economic disputes are regulated by the 1998 code of commercial procedure. The criminal code and code of criminal procedure were implemented in 1999, and the administrative code took effect in 1984. Texts of

major legislation are available through the National Register of Legal Acts of the Republic of Belarus.

Most criticisms of the Constitution, as adopted in 1994, centered on provisions relating to the division of powers. In addition, the Constitution includes certain “rights” that are more in the nature of goals, such as universal health care and housing. The Constitution was amended in a 1996 referendum to broaden the president’s powers and extend his term in office. Although the amended Constitution provides for a formal separation of powers, in practice the president dominates all other branches of government.

The acting legislature was not elected directly but was instead created out of the remnants of the former Supreme Soviet, which Lukashenka disbanded soon after the 1996 referendum. Lukashenka replaced the Supreme Soviet with a loyal House of Representatives after members of the Supreme Soviet sought and received a ruling from the Constitutional Court that the 1996 referendum was not binding. The Constitution limits the legislature to meeting twice per year for no more than 170 days. Presidential decrees made when the legislature is out of session have the force of law, except where restricted by the Constitution. In reality, there are no major institutional checks on presidential power.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which report directly to Lukashenka, share law enforcement and internal security responsibilities. Under the law, the president has the right to subordinate all security services to his personal command. The 1994 Constitution provided for an independent judiciary; however, in practice the judiciary is not independent and is unable to act as a check on the executive branch and its agents. Though it is certainly not impossible to receive a fair trial in Belarus, politically sensitive cases in particular are prone to interference. Overall, the executive branch exercises significant influence over judges and prosecutors and controls the legal profession.

Article 109 of the Constitution vests the exercise of judicial power in the courts, and Article 110 stipulates that judges shall be independent and that any interference in the administration of justice is unlawful. However, the procedures for appointing judges were changed considerably by the 1996 constitutional amendments, which gave the president, rather than Parliament, the main role in this process. The president currently enjoys the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining six are appointed by the rubber-stamp Council of the Republic, which itself is composed in part of individuals appointed by the president. The president also appoints the chairmen of the Supreme Court and the Supreme Economic Court. In addition, the president has authority under the Constitution to appoint and dismiss all district and military judges.

The Geneva-based International Commission of Jurists believes that “the poor conditions of service for judges pose a threat to the independence of

the judiciary of Belarus.” For example, salaries are low, and this increases the risk of corruption. Moreover, since judges are dependent on the executive for bonuses, adequate housing, and promotions, they are arguably susceptible to coercion. The practice of so-called telephone justice, whereby the executive or local authorities dictate the outcome of trials they have an interest in, is widespread.

In addition to judges, lawyers are often subject to government pressures, particularly those who defend independent media outlets or work to protect human rights. Presidential Decree 12 of 1997 requires every attorney to become a member of the Collegium of Advocates in order to practice law. The collegium is controlled by the Ministry of Justice. Lawyers reportedly can be expelled from the Collegium of Advocates, and therefore be barred from practicing, after receiving two official warnings. Such warnings do not have to be substantiated. Moreover, law licenses must be renewed every five years.

President Lukashenka neatly summed up the prevailing situation when he said on national television in September 2002 that “Russia and Ukraine have lawyers who are sort of independent. We have no such lawyers.” He then asked: “Do our justice system and citizens lose from such a situation?” The reply from the head of the Collegium of Advocates was, “No, they only win.”

The government often holds secret trials and show trials, the latter mainly for corruption and bribery cases. At the close of 2002, Viktor Rakhmanko, the former head of the Belarusian state railroad, was on trial before the Supreme Court on 15 counts of bribery. There have been several similar cases over the past few years involving ministers or heads of enterprises or collective farms. The regime regularly uses these trials to demonstrate that it is aware of and dealing with the problem of corruption and to shift the blame for economic mismanagement. The trials apparently are also used to prevent certain groups or individuals from gaining too much power.

The Constitution specifically prohibits torture as well as cruel, inhuman, or degrading treatment; however, police and prison guards at times beat detainees and prisoners. By law, law enforcement and prison officials may use physical force only against detainees and prisoners who have exhibited violence, have refused to obey instructions, or have violated “maliciously” the terms of their sentences. Human rights monitors, however, repeatedly report that investigators coerced confessions through beatings and psychological pressure.

Libel laws are also used to limit the ability of lawyers to do their jobs. For example, attorney Ihar Aksyonchyk, who was on trial at year’s end for slandering the prosecutor-general, was disbarred. He had represented the family of Dzmitry Zavadski, the missing cameraman for the Russian television network ORT, in a trial of elite police officers charged with kidnapping the journalist. Aksyonchyk was charged with slander after issuing a state-

ment to the media linking the prosecutor-general to the disappearance of Zavadski as well as to three other disappearances in 1999.

## Corruption

1997	1998	1999	2001	2002	2003
na	na	5.25	5.25	5.25	5.50

Low-level corruption is ubiquitous in Belarus. As elsewhere, corruption is partly a result of the low wages paid to civil servants and the dense bureaucratic structure held over from the Soviet system. State employees account for almost 20 percent of the country's workforce, and their wages are frequently several months in arrears. Some workers in the countryside are paid in kind, particularly workers on collective farms who are paid partly in produce. The steady degradation of the social security system is also a contributing factor, as is the generally poor state of the economy.

The actual degree of high-level corruption is difficult to discern. Several ministers and heads of enterprises have been dismissed from their posts and tried on corruption charges, often for bribery. Although the regime makes a big show of fighting corruption—it was one of the cornerstones of Lukashenka's original election campaign—in practice corruption is tolerated until it is convenient for the regime to expose it. The government uses public crackdowns on graft to deflect attention from its economic mismanagement. Moreover, these crackdowns are a very effective means of control. They foster a feeling of insecurity among functionaries, thereby preventing them from acquiring a power base and potentially challenging the president.

In early October 2002, President Lukashenka issued a decree authorizing a state anticorruption program for the years 2002 to 2006. The program envisages the regulation of public servants' activities in order to prevent corruption in government agencies; the introduction of administrative penalties for compromising government agencies and practicing lucrative protectionism; and the development of an efficient system of public control over government administration, among other measures. As with most other so-called reforms, it is fairly safe to assume that the anticorruption program is purely cosmetic. Significant reductions in the level of corruption, while imperative, will not take place unless the state bureaucracy is overhauled. Land and enterprise reform is a vital necessity, as are massive economic reforms. Unfortunately, these are unlikely to occur under the Lukashenka regime.

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