

# **BELARUS 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Belarus is an authoritarian state. The constitution provides for a directly elected president who is head of state and a bicameral parliament, the National Assembly. A prime minister appointed by the president is the nominal head of government, but power is concentrated in the presidency, both in fact and in law. Citizens were unable to choose their government through free and fair elections. Since 1994 Alyaksandr Lukashenka has consolidated his rule over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. All elections subsequent to 1994, including the August 9 presidential election, have fallen well short of international standards. The 2019 National Assembly elections also failed to meet international standards.

The Ministry of Internal Affairs exercises authority over police, but other bodies outside of its control, for example, the Committee for State Security, the Financial Investigations Department of the State Control Committee, the Investigation Committee, and presidential security services, also exercise police functions. The president has the authority to subordinate all security bodies to the president's personal command. Lukashenka maintained effective control over security forces. Members of the security forces committed numerous abuses.

The country experienced massive civil unrest following the August 9 presidential election as demonstrators protested widespread vote rigging by Lukashenka as well as the government's widespread use of brute force against and detentions of peaceful protesters. Weekly protests drawing at their peak up to hundreds of thousands of protesters began election night and continued through the end of the year.

Significant human rights issues included: unlawful or arbitrary killings by security forces; torture in detention facilities and cases of cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, site blocking, internet blockages, and the existence of laws regarding criminal libel, slander, and defamation of government officials; overly restrictive nongovernmental organization laws; substantial interference with

the freedom of peaceful assembly and freedom of association, including the imposition of criminal penalties for calling for a peaceful demonstration and laws penalizing the activities and funding of groups not approved by authorities; restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation, including persistent failure to conduct elections according to international standards; serious acts of corruption; lack of investigation of and accountability for violence against women; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and restrictions on independent trade unions; and significant restrictions on workers' freedom of association.

Authorities at all levels generally operated with impunity and always failed to take steps to prosecute or punish officials in the government or security forces who committed human rights abuses.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

During the year there were reliable reports that the government or its agents committed arbitrary or unlawful killings and deaths from torture were reported.

In the wake of the August 9 presidential election, riot police, internal troops, and plainclothes security officers violently suppressed mass protests. At least four individuals died as a result of police violence, shooting by members of the security forces, or the government's failure to provide medical assistance.

For example, on August 10, police in Minsk shot protester Alyaksandr Taraykouski during a demonstration. Authorities' claims that Taraykouski was killed when an explosive device he was holding detonated were contradicted by eyewitness accounts and video footage of the incident, in which security forces clearly appeared to shoot Taraykouski in the chest as he approached them with his empty hands raised. The Investigative Committee initiated an investigation into the case but suspended it on November 13. As of December a criminal case had not been initiated in this matter.

On November 2, a representative of the Investigative Committee, the law enforcement body charged with investigating police violence in the country, told

the United Nations that the committee was not investigating any allegations of police abuse and declared “currently there have been no identified cases of unlawful acts by the police.” The representative blamed protest organizers for using protesters as “cannon fodder” and bringing children to demonstrations.

On November 12, Raman Bandarenka died from head injuries and a collapsed lung after being severely beaten and detained on November 11 by masked, plainclothes security officers in Minsk. The detention and some beatings were captured on video. After being detained for several hours, Bandarenka was transferred unconscious to a hospital in Minsk where he died. The injuries that resulted in Bandarenka’s death were reportedly more severe than those he received during his arrest, and human rights activists concluded that he was subjected to additional severe abuses while detained. Authorities reportedly launched an inquiry into the incident.

### **b. Disappearance**

During the year there were no reports of disappearances by or on behalf of government authorities.

There were, however, reports of abductions by security forces of opposition leaders. For example, on September 7, masked members of the security forces approached opposition leader Maryya Kalesnikava on the street in Minsk and forced her into a van. According to Kalesnikava’s lawyer, the men first took her to the Ministry of Internal Affairs’s Main Directorate for Combatting Organized Crime and Corruption, where she was held for several hours without registering her detention. She was then brought to the central office of the Committee for State Security (BKGB), where she was told to depart the country voluntarily. After Kalesnikava refused, she was taken to the Ukrainian border on September 8, where authorities attempted to force her to leave the country. Kalesnikava tore up her passport to prevent expulsion from the country. She was subsequently arrested, taken back to Minsk, and placed in a detention center, where she remained as of December. On September 16, she was formally charged with “calling for actions that threaten national security.”

On January 16, the Investigative Committee announced it reopened suspended investigations into the 1999 disappearances of former deputy prime minister Viktor Hanchar and businessman Anatol Krasouski. In December 2019 the committee also reopened the investigation into the disappearance of former minister of internal affairs Yury Zakharenka after Yury Harauski, who claimed to be a former

special rapid response unit officer, stated he participated in the forced disappearances and killings of Hanchar, Krasouski, and Zakharanka. In March the committee again suspended investigations due to a “failure to identify any suspects.” There was evidence of government involvement in the disappearances, but authorities continued to deny any connection with them. In December 2019 Lukashenka stated that politically motivated killings would be impossible without his orders, which he “[had] never and would never issue.”

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

The law prohibits such practices. Nevertheless, the BKGB, riot police, and other security forces, without identification and wearing street clothes and masks, regularly used excessive force against detainees and protesters. Security forces also reportedly mistreated individuals during investigations. Police regularly beat and tortured persons during detentions and arrests. According to human right nongovernmental organizations (NGOs) and former prisoners, prison authorities abused prisoners.

According to documented witness reports, on August 9-11, security officers physically abused inside detention vehicles, police stations, and detention facilities on a systemic scale across the country the majority of the approximately 6,700 persons detained during postelection civil unrest. The human rights NGO Vyasna documented more than 500 cases of torture and other severe abuse committed in police custody against postelection protest participants and independent election observers, opposition leaders, civil society activists, and average citizens.

Among the abuses documented were severe beatings; psychological humiliation; the use of stress positions; at least one reported case of rape and sexual abuse; use of electric shock devices and tear gas; and up to three days intentional deprivation of food, drinking water, hygiene products, the use of toilets, sleep, and medical assistance.

For example, according to Human Rights Watch, on August 11, police detained 18-year-old college student Alyaksandr Brukhanchik and two friends as they were walking at night in a residential area and handed them over to a group of Internal Affairs Ministry riot police officers. The officers took the students inside a minibus, beat them, cut their shorts in the buttocks area, threatened to rape them with a grenade, and then transferred them to another police van, forced them to crawl on the blood-spattered floor, and beat them again. An officer kicked

Brukhanchik in the face. Brukhanchik presented Human Rights Watch with medical documentation consistent with his account.

There were widespread reports of rape threats and sexual abuse by government agents against both men and women, and at least one reported instance of rape against a detainee. According to the Organization for Security and Cooperation in Europe (OSCE) *Moscow Mechanism Report*, on August 11, a senior officer raped Ales, a 30-year-old information technology (IT) worker, with a truncheon after his arrest. While in a police van, the officer demanded that Ales unlock his cell phone. When Ales repeatedly refused, the officer cut his shorts and underwear in the back, put a condom on a truncheon, and raped him with it. The officer then further beat Ales. Ales provided NGOs with medical documentation consistent with his account. On November 6, Internal Affairs Ministry first deputy Henadz Kazakevich claimed “a man cannot be raped in accordance with Belarusian law.” By law, however, rape of both men and women is criminalized in the country (see section 6).

Impunity remained a significant problem in almost all branches of the security services, including police and the BKGB. Impunity was widespread and continued largely due to politicization of the security services. On November 2, the Investigative Committee confirmed that the government had not opened any criminal investigations into complaints of torture or police violence filed with the Investigative Committee. While Internal Affairs Minister Yury Karaeu apologized in August to “random residents detained during protests,” he justified the brutal crackdown and subsequent torture by claiming police responded to “aggression coming from protesters against security officers” and “protesters building barricades and resisting police.” Karaeu’s deputy, Alyaksandr Barsukou, who visited holding facilities in Minsk on August 14, dismissed reports of torture, falsely claiming no detainees complained of mistreatment.

According to the OSCE *Moscow Mechanism Report*, published on October 29, the “first period of postelection violence by the security forces has to be qualified as a period of systemic torture and mistreatment with the main purpose to punish demonstrators and to intimidate them and potential other protesters. To a lesser extent, the infliction of pain and suffering served the purpose of gaining information or confessions. The torture or inhuman and degrading treatment was intentional as it was widespread and systematic as well as targeted at the opposing protesters although some accidental bystanders also became victims of the crackdown. It followed a systematic and widespread pattern including Minsk and other cities.”

## Prison and Detention Center Conditions

Prison and detention center conditions remained poor, and in many cases posed threats to life and health.

Physical Conditions: According to former detainees and human rights lawyers, there continued to be shortages of food, medicine, warm clothing, personal hygiene products, and bedding as well as inadequate access to basic or emergency medical care and clean drinking water. Detainees reported that prison officials deliberately denied detainees access to food, water, hygiene products, and necessary medical care, sometimes for several days, as a form of retribution. Overall sanitation was poor. Authorities made little effort to prevent the spread of COVID-19 in prisons, but at the same time used COVID-19 as a pretext to restrict access to visitors and distribution of food, hygiene, and clothing parcels.

Overcrowding of pretrial holding facilities and prisons generally was a problem; however, a May 22 amnesty law reduced the terms of at least 2,500 prisoners, resulting in their release. In the three days after the August 9 election, there was insufficient space in detention facilities for the thousands of detainees that were arrested on protest-related charges, especially in Minsk. Detention facilities were reportedly overcrowded with cells fit for five individuals housing 50 detainees, forcing detainees to take turns standing and resting.

Although there were isolated allegations that police placed underage suspects in pretrial detention facility cells with adult suspects and convicts, authorities generally held juvenile prisoners separately from adults at juvenile penal colonies, arrest houses, and pretrial holding facilities. Conditions for female and juvenile prisoners were generally better than for adult male prisoners.

Observers believed tuberculosis, pneumonia, HIV/AIDS, COVID-19, and other communicable diseases were widespread in prisons because of generally poor medical care.

Individuals detained for political reasons prior to the election or during protests following the August 9 presidential election appeared to face worse prison conditions than those of the general prison population, including more reports of torture and severe abuses.

Administration: Prisoners and detainees had limited access to visitors, and meetings with families were denied allegedly as a common punishment for disciplinary violations. Authorities restricted visitors to all detainees in a reported attempt to limit the spread of COVID-19 in facilities, despite the government's official nonrecognition of the COVID-19 pandemic and failure to implement national quarantine measures.

Authorities generally prevented prisoners from holding religious services and performing ceremonies that did not comply with prison regulations, despite legal provisions for such practice. Belarusian Orthodox churches were located at a number of prison facilities and Orthodox clergy were generally allowed access to conduct services.

Former prisoners and their defense lawyers reported that prison officials often censored or did not forward their complaints to higher authorities and that prison administrators either ignored or selectively considered requests for investigation of alleged abuses. Prisoners also reported that prison administrators frequently refused to provide them with copies of responses to their complaints, which further complicated their defense. Complaints could result in retaliation against prisoners, including humiliation, death threats, or other forms of punishment and harassment. Former prisoners claimed some prison administrators' repeated harassment resulted in suicides, which authorities neither investigated nor made public.

Corruption in prisons was a serious problem, and observers noted that parole often depended on bribes to prison personnel. Parole could also depend on a prisoner's political affiliation.

Independent Monitoring: Despite numerous requests to the Ministry of Internal Affairs, government officials refused to approve requests from NGOs to visit detention and prison facilities and speak with the inmates.

#### **d. Arbitrary Arrest or Detention**

The law limits arbitrary detention, but the government did not respect these limits. Authorities, including plainclothes security officers, arrested or detained thousands of individuals during peaceful protests and used administrative measures to detain political and civil society activists, as well as bystanders and journalists not involved in the protests, before, during, and after protests and other major public events, including those legally permitted in the framework of election campaigns.

## Arrest Procedures and Treatment of Detainees

By law police must request permission from a prosecutor to detain a person for more than three hours. Authorities may hold a criminal suspect for up to 10 days without filing formal charges and for up to 18 months after filing charges, but in some cases authorities detained persons beyond 18 months. By law detainees are allowed prompt access to a lawyer of their choice or one provided by the state free of charge, although authorities often delayed extending this right to high-profile political prisoners, who faced authorities without the presence of defense lawyers at the initial stages of an investigation. Prosecutors, investigators, and security-service agencies have legal authority to extend detention without consulting a judge. Detainees have the right to petition the court system regarding the legality of their detention, but authorities consistently suppressed or ignored such appeals. The country has no functioning bail system.

There were reports that persons were detained without judicial authorization.

There were some reports of detainees who were held incommunicado. During the initial arrests following the August 9 presidential election, police precincts fingerprinted detainees and processed them for subsequent trial at holding facilities but left them incommunicado.

In the weeks following the election, up to 80 persons were reported missing but were eventually located after authorities acknowledged their detention or released them. According to Radio Free Europe/Radio Liberty, on August 11, Yury Savitski, a supporter of jailed presidential candidate Viktor Babaryka, was abducted by six men in civilian clothing after attending a protest the previous day. His wife sought for days to establish his whereabouts, only to be told by authorities that there were too many prisoners and that many were not being officially registered. She was only able to determine his location and the charges he faced after waiting outside the holding facilities in Zhodzina with a photograph of her husband and asking released detainees whether they recognized him.

Arbitrary Arrest: Authorities detained political scientists, political leaders, presidential campaign participants, opposition leaders and members, civil society activists, and demonstrators for reasons widely considered to be politically motivated. In many cases authorities used administrative measures to detain political activists before, during, and after planned demonstrations, protests, and other public events. Security officials arbitrarily detained persons in areas where protesters peacefully lined streets or protests were expected (see section 2.b.).



For example, on May 6, authorities in Mahilyou detained popular blogger and potential presidential candidate Syarhey Tsikhanouski during a countrywide tour to speak with citizens. He had been given a delayed 15-day administrative sentence for participating in an unauthorized mass event in 2019. In response to his arrest, followers of his blog and livestreams began three days of countrywide protests. Security officers without judicial authorization detained and subsequently fined or sentenced more than 100 activists and Tsikhanouski supporters for allegedly participating in unauthorized mass events (see section 2.b., Peaceful Assembly, and section 3).

After opposition leader Viktor Babaryka's arrest (see section 3), on June 28, BKGB and riot police officers arbitrarily detained at least 52 prominent businessmen, political figures, Babaryka supporters and campaign staff, as well as independent journalists who gathered outside the BKGB building to file requests for Babaryka's release. Authorities released at least 12 local independent and foreign journalists and 33 other individuals after identification checks were conducted at police precincts. At least seven persons were subsequently tried on administrative charges of allegedly participating in unauthorized mass events and resisting police.

Security forces regularly detained bystanders, including those not involved with protests. For example, according to Human Rights Watch, on August 10, police detained construction worker Alyaksandr Gazimau near a Minsk shopping mall where a crowd of protesters had gathered. According to Gazimau, he was not participating in the protest and had just had dinner with a friend. When riot police arrived, the protesters started to run, and Gazimau ran as well. He fell while running and broke his leg. Police dragged him into a truck, beat him, intentionally stepped on his broken leg, and threatened to rape him with a truncheon. They passed him to another group of officers, who beat him again, took him to a local police precinct, where they forced him to stand on his broken leg, then forced him to the ground and intentionally kicked his broken leg again. He spent the night in the police precinct yard, and was transferred to holding facilities in Zhodzina prison, where he waited two days in the prison hospital before being transferred to a hospital for surgery. Independent media reported dozens of similar accounts of individuals, who were unaware of protest locations because of the government's internet restrictions but were caught up along with protesters by security forces and arbitrarily detained.

Pretrial Detention: There were approximately 5,000 pretrial detainees in 2018, the latest year for which data were available. Information was not available regarding average length of time or how many continuing investigations were extended for lengthier periods. Observers believed there were a number of possible reasons for the delays, including political interference; charges being brought against individuals held in pretrial detention and investigations opened; new investigators taking over cases; cases that were complicated because they involved many suspects; and cases that required extensive forensic or other expert examinations and analysis. For example, during the year a former chief engineer of the Minsk Wheeled Tractor Factory Andrei Halavach was in the process of suing the government for compensation for the 4.5 years he spent in pretrial detention. Halavach was released in 2019 with all charges cleared and after being acquitted in two separate trials.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees have the right to petition the court system regarding the legality of their detention, but authorities consistently suppressed or ignored such appeals. By law courts or prosecutors have 24 hours to issue a ruling on a detention and 72 hours on an arrest. Courts hold closed hearings in these cases, which the suspect, a defense lawyer, and other legal representatives may attend. Appeals to challenge detentions were generally denied.

**e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but authorities did not respect judicial independence and impartiality. Observers believed corruption, inefficiency, and political interference with judicial decisions were widespread. Courts convicted individuals on false and politically motivated charges brought by prosecutors, and observers believed that senior government leaders and local authorities dictated the outcomes of trials.

As in previous years, according to human rights groups, prosecutors wielded excessive and imbalanced authority because they may extend detention periods without the permission of judges. Defense lawyers were unable to examine investigation files, be present during investigations and interrogations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because the Prosecutor's Office controlled all technical expertise. According to many defense attorneys, this power imbalance persisted, especially in politically motivated criminal and

administrative cases. Courts did not exonerate criminal defendants except in rare circumstances.

There were reports of retaliatory prosecution and debarment of defense lawyers representing political campaigns, opposition leaders, and the opposition's Coordination Council. For example, on September 24, Lyudmila Kazak, defense attorney for the opposition's Coordination Council Presidium member Maryya Kalesnikava, disappeared. It later became known that she was abducted off the streets of Minsk by unidentified men and brought to a holding facility. Kazak was charged and found guilty of allegedly resisting detention by police at an opposition rally on August 30 that she had not attended. Kazak was fined approximately 675 rubles (\$277) in what human rights organizations and Kazak herself called a politically motivated case in retaliation for her defense work on Kalesnikava's case.

On October 15, prominent lawyer and member of the Minsk City Bar Association for 30 years Alyaksandr Pylchenka lost his license to practice law, allegedly for statements he made in an August 14 interview with independent media in which he called for legal measures to be taken by the prosecutor general to hold security forces accountable for the severe abuses of detainees arrested during postelection peaceful protests. Pylchenka defended presidential hopeful Viktor Babaryka and Presidium Coordination Council member Maryya Kalesnikava. Babaryka claimed the nullification of Pylchenka's license was an attempt by authorities to deny him his rights to legal protection.

On September 9, authorities detained Coordination Council Presidium member and one of Babaryka's defense attorneys Maksim Znak, along with Ilya Saley, a lawyer for the Coordination Council's Presidium member Maryya Kalesnikava, after searching their apartments. Lawyers asserted that Znak was arrested in retaliation for his August 21 filing of a complaint with the Supreme Court calling for the August 9 presidential election results to be invalidated due to the widespread allegations of electoral fraud. Saley was arrested two days after Kalesnikava's abduction by masked members of the security forces on charges of appealing for actions to damage the country's national security and violently topple the government. Saley remained in detention until October 16, when he was placed under house arrest.

## **Trial Procedures**

The law provides for the right to a fair and public trial, but authorities frequently disregarded this right. By law criminal defendants may be held up to 10 days without being notified of charges, but they must have adequate time to prepare a defense. Facilities, however, were not adequate and in many cases, meetings with lawyers were limited or were not confidential. In some cases authorities reportedly compelled suspects to testify against themselves or other suspects in their case, including confessing their guilt. In these cases authorities reportedly claimed sentences would be more lenient or defendants would receive other benefits. There were also reports of authorities coercing suspects into signing confessions and other statements.

The law provides for the presumption of innocence. Nevertheless, the lack of judicial independence, state media's practice of reporting on high-profile cases as if guilt were already certain, and widespread limits on defense rights frequently placed the burden of proving innocence on the defendant.

The law also provides for public trials, but authorities occasionally held closed trials in judges' chambers. Judges adjudicate all trials. For the most serious cases, two civilian advisers assist the judge.

The law provides defendants the right to attend proceedings, confront witnesses, and present evidence on their own behalf, but authorities did not always respect these rights. Some defendants were tried in absentia. In addition riot police or other security officers who testified against defendants in these cases did not identify themselves and testified wearing balaclavas due to "concern for their security."

The law provides for access to legal counsel for the defendant and requires courts to appoint a lawyer for those who cannot afford one. Although by law defendants may ask for their trials to be conducted in Belarusian, most judges and prosecutors were not fluent in this language, rejected motions for interpreters, and proceeded in Russian, one of the official languages of the country. Interpreters are provided when the defendant speaks neither Belarusian nor Russian. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers from representing individuals other than members of their organizations in court. The government's past attempts to disbar attorneys who represented political opponents of the government further limited defendants' choice of counsel. The government also required defense attorneys to sign nondisclosure statements that limited their ability to release any information regarding the case to the public, media, and even defendants' family members.

In cases of administrative charges, including participating in unauthorized mass events and resisting law enforcement officers, judges often did not inform detained protesters of their right to defense counsel and dismissed counsels' requests for additional witnesses testifying at trials. Authorities increasingly used video conferencing services to allow defendants to attend their hearings and trials remotely, purportedly to limit COVID-19 spread in detention facilities. After the August 9 election, however, abuses of this practice occurred when some detainees in the Zhodzina holding facility were reportedly tried "virtually" without defense lawyers or witnesses being granted access.

Some courts questioned the legality of contracts signed in advance between a defense lawyer and defendant or used the existence of these contracts against the defendant. For example, on September 11, a Minsk district court convicted and fined Pavel Manko, an IT specialist, of purportedly participating in August 27 unauthorized mass events. Judge Zhana Khvainitskaya stated "the fact that Manko had a contract as of August 3 with his defense counsel demonstrated his direct intention to take part in unauthorized mass events."

Courts often allowed statements obtained by force and threats of bodily harm during interrogations to be used against defendants.

Defendants have the right to appeal convictions, and most defendants did so. Nevertheless, appeals courts upheld the verdicts of the lower courts in the vast majority of cases.

### **Political Prisoners and Detainees**

The local human rights group Vyasna maintained what is widely considered a credible list of political prisoners in the country. As of December its list contained more than 160 names, including the cases of leading political opposition figures and their staff.

In one case, on September 2, authorities detained four employees of the IT company PandaDoc (Viktar Kuushynau, Dzmitry Rabtsevich, Yulia Shardyka, and Uladzislau Mikhalap). Two weeks earlier, the owner of the company, Mikita Mikada, publicly condemned political repression in the country and had co-launched a public initiative, Protect Belarus, aimed at financially supporting law enforcement officers who refused to take part in repression. Authorities charged the four employees with theft, for which conviction is punishable by up to 10 years

in prison. The charges were widely viewed as both retaliation against Mikada and intended to deter political activism by other technology companies. On October 12, authorities released Rabtsevich, Shardyka, and Mikhalap to house arrest, but the charges were not dropped. As of late December, Kuushynau remained in detention, and Vyasna considered all four PandaDoc employees to be political prisoners.

Former political prisoners continued to be unable to exercise some civil and political rights.

### **Civil Judicial Procedures and Remedies**

The law provides that individuals may file lawsuits seeking damages for human rights violations, but the civil judiciary was not independent and was rarely impartial in such matters.

### **Property Restitution**

No laws provide for restitution or compensation for immovable private property confiscated during World War II, the Holocaust, or the Soviet period. In 2019 the government reported that, in the previous 11 years, it had not received any requests or claims from individuals, NGOs, or any other public organization, either Jewish or foreign, seeking compensation or restitution of any property.

For information regarding Holocaust-era property restitution and related topics, please see the Department of State's Justice for Uncompensated Survivors Today (JUST) Act Report to Congress, released on July 29, at <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The law prohibits such actions, but the government did not respect these prohibitions. Authorities used wiretapping, video surveillance, and a network of informers that deprived persons of privacy.

The law requires a warrant before or immediately after conducting a search. The BKGB has authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry.

There were reports authorities entered properties without judicial or other appropriate authorization. In August and September, multiple instances were reported of plainclothes officers forcing entry into private homes or businesses. These officers often refused to show identification or a warrant, or claimed it was sufficient for them to state their affiliation with a government agency and proceed with the entry. On September 7, an individual identified as head of the Ministry of Internal Affairs Main Directorate for Combatting Organized Crime and Corruption Mikalay Karpenkau repeatedly struck and broke the locked glass door of a cafe to allow security officials in civilian clothing to apprehend individuals who had supposedly participated in protests.

There were reports that authorities accessed, collected, or used private communications or personal data arbitrarily or unlawfully or without appropriate legal authority. For example, after the August 9 election, security officials occasionally threatened individuals detained during protests with violence or arrest if they did not unlock their cell phones for review. Officials also threatened individuals at detention facilities with harsher sentences if they did not unlock their cell phones. Security officials reportedly detained or issued harsher sentences for individuals with photos or social media accounts that officials regarded as pro-opposition or that showed security forces committing abuses.

According to the 2019 Freedom House *Freedom on the Net Report*, the country employs systematic, sophisticated surveillance techniques to monitor its citizens. Surveillance is believed to be omnipresent in the country. Since 2010 the government has utilized the Russian-developed System of Operative Investigative Measures, which provides authorities with direct, automated access to communications data from landline telephone networks, mobile service providers, and internet service providers. The government also blocked and filtered websites and social media platforms (see section 2.a., Internet Freedom). The country employs a centralized system of video monitoring cameras.

State television reportedly obtained state surveillance footage and wiretap transcripts from state security services that it used to produce progovernment documentaries and coverage.

According to activists, authorities employed informer systems at state enterprises after the August 9 presidential election to identify which workers would strike, as well as pressure workers not to join strike committees. “Ideology” officers were reportedly in charge of maintaining informer systems at state enterprises.

Family members were reportedly punished for offenses allegedly committed by their relatives. For example, a doctor at a hospital in Minsk, who quit in protest of police violence against peaceful demonstrators in August, said his spouse, also a doctor at the same hospital, was forced to quit. In late August both left the country due to fear of prosecution.

Authorities temporarily removed or threatened to remove children from the custody of their parents to punish them for protesting or political activism. On September 13, the head of the Juvenile Justice Department of the Prosecutor General's Office, Alyaksei Padvoisky, told state media that parents who take their children to protests risked losing custody of their children and that such actions would be considered "neglect of parental responsibilities." For example, according to press reports, on September 27, Herman Snyazhkov was detained at a protest in Homyel. On September 29, authorities raided his home and arrested his wife, Natallya, and took custody of his two minor children, whom they sent to a state orphanage. Natallya Snyazhkov was released after being interrogated and left the country after regaining custody of her children. After serving 14 days of arrest, Herman Snyazhkov was also charged with resisting law enforcement officers and applying or threatening to apply violence and was told his wife was a suspect in the same case. He was released and as of November 15 was barred from leaving the country. Similarly presidential candidates Svyatlana Tsikhanouskaya and Valery Tsapkala fled the country, as did their children and Tsapkala's wife, after reported intimidation and threats to strip custody of their children from them.

While the law prohibits authorities from intercepting telephone and other communications without a prosecutor's order, authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures and many prominent members of civil society groups claimed that authorities monitored their conversations and activities. The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists during raids and by confiscating computer equipment.

The law allows the BKGB, the Ministry of Internal Affairs, special security services, financial intelligence personnel, and certain border guard detachments to use wiretaps. Wiretaps require the permission of a prosecutor, but the lack of prosecutorial independence rendered this requirement meaningless.

The Ministry of Communications has the authority to terminate the telephone service of persons who violate telephone contracts, which prohibits the use of telephone services for purposes contrary to state interests and public order.



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

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press. The government did not respect these rights and selectively enforced numerous laws to control and censor the public and media. Moreover, the state press propagated views in support of the president and official policies without giving room for critical voices.

Freedom of Speech: Individuals could not criticize the president or the government publicly or discuss matters of general public interest without fear of reprisal, including prosecution or forced exile. Authorities also prohibited displaying certain historical flags and symbols and displaying placards bearing messages deemed threatening to the government or public order.

Since May the government undertook significant steps to suppress freedom of expression. The government harassed bloggers and social media users, detaining some of them on short-term jail sentences. Others received longer sentences. For example, according to the Committee to Protect Journalists, in June authorities detained Syarhey Pyatrukhin and Alyaksandr Kabanau, two popular video bloggers on YouTube, and charged them with “participating in activities in clear disobedience to the legitimate requirements of the authorities.” Both men were known for their opposition political commentary.

Authorities dismissed hundreds of state employees who expressed political dissent or participated in protests after the presidential election, including those employed as television hosts, radio and other media personnel, teachers, civil servants, law enforcement officers, athletes, university administrators, hospital administrators, and diplomats. For example, on August 17, the Ministry of Culture fired Pavel Latushka, the director of the Yanka Kupala National Theater, after he spoke out in defense of protesters who had been beaten by police. After his firing, the majority of staff at the theater tendered their resignations in protest.

The law also limits free speech by criminalizing actions such as giving information that authorities deem false or derogatory to a foreigner concerning the political, economic, social, military, or international situation of the country. No individuals were identified as being charged under this law.

The government prohibits calls to participate in “unsanctioned demonstrations.” On March 12, a Minsk district court tried in absentia video blogger Uladzimir Tsyhanovich on charges of calling individuals to participate in an unauthorized mass event and sentenced him to 15 days of arrest. In a video Tsyhanovich reportedly urged supporters to show up at the state-run Belneftekhim headquarters to protest increased gas prices starting on February 25. On June 9, police detained Tsyhanovich to serve his sentence and on June 15, he was given an additional 15-day sentence for participating unauthorized mass event on May 31. On June 26, human rights groups reported that authorities charged Tsyhanovich with organizing or participating in activities that grossly violate public orders and are connected with resisting authorities’ orders. He remained in detention at year’s end on those charges.

On November 12, a court in Drahichyn fined a local resident 999 rubles (\$410) for calling to assemble in the city center on October 15. Police detained the resident on the same day. He was released, but the charges remained pending the result of court hearings.

The government prohibits “extremist” information, which is defined as information materials--including printed, audio, visual, video materials, placards, posters, banners and other visuals--intended for public usage or distribution and seek the violent change of the constitutional order or the territorial integrity of the country; unconstitutional takeover of state powers; establishment of an illegal armed force; terrorist activities; inciting racial, ethnic, religious or other societal hatred; organizing mass riots; hooliganism and vandalism based on racial, ethnic, religious, or other societal hatred or discord; political and ideological hatred; promotion of supremacy of a group of residents based on their language, social, racial, ethnic, or religious background; and justification of Nazism, including the promotion, production, distribution, and displays of Nazi symbols.

On October 20, a Minsk district court recognized Telegram internet messenger channel NEXTA-Live, a platform used by pro-opposition Belarusians to organize protests, and its logo as extremist, alleging it promoted mass riots and disorder in addition to distributing other “extremist” materials (see Internet Freedom, below). In addition the government charged the channel’s founder, Stsyapan Putsila, and its former editor, Raman Pratasevich, with organizing mass riots, organizing a group activity grossly violating public order, and inciting hatred based on professional duties, in particular against law enforcement officers and public servants. Both individuals were outside Belarus but were put on the country’s wanted list. The government also prohibits content that promotes violence or war; contains

information regarding illicit weapons, explosives, and drugs; involves trafficking in persons or pornography; or that may harm the national interests of the country.

The law does not provide penalties for displaying or keeping unregistered symbols, including opposition red and white flags, but it only allows registered symbols at authorized mass events. Although the “Pahonia” emblem is on a registry of the government’s historic and cultural symbols, the government expressed hostility toward protesters who carried red and white flags or the Pahonia symbol, and security forces detained demonstrators for doing so, as these symbols were generally identified with the opposition.

The government prohibits the spread of “fake news” on the internet but did not enforce the prohibition against regular citizens.

Freedom of Press and Media, Including Online Media: Government restrictions limited access to information. State-controlled media did not provide balanced coverage and overwhelmingly presented the official version of events. Appearances by opposition politicians on state media were rare and limited primarily to those required by law during the presidential election campaign period. Authorities warned, fined, detained, interrogated, and stripped accreditation from members of the independent domestic media.

On October 2, authorities cancelled the accreditation of all foreign press representatives as part of a process they claimed was an effort to update the accreditation process for foreign press. Prior to the cancellation, in August authorities had already begun cancelling foreign press accreditations, including those of the BBC, Radio Liberty, the Associated Press, the German ARD television channel, Deutsche Welle, the French Agence France-Presse news agency, Reuters, and Russian TV Rain. Likewise, the Ministry of Foreign Affairs did not grant accreditation to dozens of foreign correspondents who filed paperwork seeking to cover the August 9 presidential election. Some correspondents were reaccredited, with journalists from Deutsche Welle and BBC among the first, but a number of Belarusian-based freelance journalists were not.

Prior to the October 2 cancellation of foreign press accreditations, authorities refused to accredit some foreign media outlets, such as Polish-based Belsat Television and Radio Racyja, and routinely fined unaccredited freelance journalists working for these outlets. As of December 10, at least 17 journalists were fined in 30 cases for not having government accreditation or for cooperating with a foreign

media outlet. Most of the fines in connection to accreditation or registration were levied on journalists working for Belsat Television.

Authorities deported some members of the foreign press. For example, on August 29, authorities deported two Moscow-based Associated Press correspondents as part of a series of actions that decreased the number of independent correspondents in the country.

By law, the government may close a publication--printed or online--after two warnings in one year for violating a range of restrictions on the press. Regulations also give authorities arbitrary power to prohibit or censor reporting. The Ministry of Information may suspend periodicals or newspapers for three months without a court ruling. The law also prohibits media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs. On October 1, the Ministry of Information suspended through December 30, the registration of one of the most read independent online news portals, *TUT.by*, as “a media network publication” after issuing four warnings concerning individual articles it published, including one that detailed accounts of the irregularities observers saw on election day. On December 3, the Economic Court of Minsk ordered removal of its official media status effective in January 2021. The organization planned to appeal, but it could not maintain its status during the appeal process.

State-owned media dominated the information field and maintained the highest circulation through generous subsidies and preferences. There was no countrywide private television, and broadcast media space was dominated by state-owned and Russian stations. After a number of state television personnel resigned in protest over the allegations of presidential election fraud and subsequent police violence starting in August, Lukashenka requested assistance from the Russian state media organization RT. Starting August 17, Russian state-media organizations largely controlled and managed state-run channels, ensuring pro-Lukashenka and pro-Russian viewpoints continued to dominate the press while authorities suppressed domestic independent voices and pressured the state journalists who had resigned. After August 17, representatives of Russian state-media organizations generally faced less pressure from authorities, when RT began supporting and controlling Belarusian domestic state media.

Violence and Harassment: Authorities continued to harass and detain local and foreign journalists routinely, in particularly those operating as freelancers or working for foreign outlets without accreditation. Security forces continually hampered efforts of independent domestic and foreign journalists to cover pre- and

postelection demonstrations and protests in Minsk and across the country and at times used violence against journalists and brought false allegations against them. As of November the independent Belarusian Association of Journalists reported it had recorded at least 500 cases of violence and harassment against local and foreign journalists since the start of the year, which included detentions, beatings, attacks, fines, and short-term jail sentences. These cases were reportedly in connection to journalists' alleged participation in unauthorized mass events, livestreaming demonstrations, or working without accreditation for foreign media. On October 12, the Belarusian Association of Journalists released a statement noting that the situation for journalists in the country had gone "from grave to catastrophic" due to violence and other forms of pressure on journalists.

In one example of government pressure, on June 20, police detained two journalists of the independent *Hantsavitski Chas* newspaper, Alyaksandr Pazniak and Syarhey Bahrou, during a live stream in Hantsavichy. At the local police department, Pazniak was reportedly beaten and threatened. Authorities charged the two with resisting police and participating in unauthorized mass events. On June 22, a local court sentenced Bahrou to 15 days of arrest and fined Pazniak 810 rubles (\$332).

There were reports that security forces deliberately targeted members of the press for violence during demonstrations. For example, on August 10, security officers were reported to have targeted and dispersed a group of correspondents covering postelection protests who were clearly marked as press and wearing corresponding vests and badges. Officers fired rubber bullets, injuring independent newspaper *Nasha Niva* journalist Natallya Lubneuskaya, who was hospitalized for more than a month.

There were reports that some journalists were seriously abused during detention. For example, according to Human Rights Watch, on August 10, an unaccredited 33-year-old journalist with the Poland-based television station Belsat, Vitaliy Dubikov was on his way to a work assignment in Minsk when two police officers stopped him and searched his belongings. Upon finding a camera and microphone with a Belsat logo, they forced him into a tiny compartment in a police van and took him to a Minsk police precinct, where riot police beat him and other detainees with truncheons, ordered them to the ground, and tied their hands behind their backs. Dubikov and other detainees spent the night outdoors, first flat on the ground then kneeling against a wall. In the morning he was crammed into a police van with other detainees and held there for several hours without food, water, or ventilation. On August 14, Dubikov was released without charges.

Security officials also confiscated or deliberately broke journalists' video and audio equipment. For example, according to press reports, on August 11, security forces approached Associated Press photographer Syarhey Hryts and several colleagues while they were covering police dispersing a demonstration. According to Hryts, riot police, who were not wearing any identifying symbols, swarmed them, seized the memory sticks from their equipment, and smashed his camera.

The government reportedly prosecuted journalists in retaliation for the content of their reporting. For example, according to the Committee to Protect Journalists, on March 25, officers of the State Control Committee detained Syarhey Satsuk, chief editor of the *Yezhnednik* news website, after searching his offices and seizing documents. Satsuk had heavily criticized the government's response to the COVID-19 pandemic and corruption in the health-care system. He was charged with accepting a bribe, which Reporters without Borders called retaliation for an editorial casting doubt on the official COVID-19 statistics and criticizing an order issued by Lukashenka to "deal with" media outlets that are "sowing panic" regarding the epidemic. On April 4, he was released on his own recognizance; the government investigation continued as of November.

Censorship or Content Restrictions: The threat of government retaliation led the vast majority of independent publications to exercise self-censorship and avoid reporting on certain topics or criticizing the government. The government tightly and directly controlled the content of state-owned broadcast and print media. Television channels are required to broadcast at least 30 percent local content. Local independent television stations operated in some areas and were under government pressure to forgo reporting on national and sensitive topics or risk censorship. Authorities extensively censored the internet (see Internet Freedom, below).

The government penalized those who published items counter to government guidelines (see Freedom of Speech, above). Some private retail chains also refused to continue selling copies of independent newspapers due to government pressure, and state-run and private printing houses refused to print them, forcing editors to procure printing services abroad.

The government reportedly failed to reply to requests for information, and some outlets were believed to have held back coverage to avoid punishment for publishing incorrect information.

Independent media outlets, including newspapers and internet news websites faced discriminatory publishing and distribution policies, including limited access to government officials and press briefings, controls on the size of press runs of newspapers, and inflated costs for printing. For example, after popular opposition newspaper *Narodnaya Volya* and the nonstate daily newspaper *Komsomolskaya Pravda* (the local branch of the mass-market Russian tabloid) extensively covered violence and beatings of protesters in the days after the election, authorities began censoring further daily editions by blocking printing through two state-run distribution systems, the retail kiosk network Belsayuzdruk and the postal subscription service.

The government controlled printing presses in the country. According to the Committee to Protect Journalists (CPJ), a few days after the protests began, the state publishing house began to refuse to print independent newspapers, citing an array of “technical problems,” including lack of materials and broken equipment, which observers believed were pretexts for the refusals. The CPJ noted that, on the same day that an independent newspaper was denied the ability to print an edition with a white-red-white flag on the cover (the symbol of anti-Lukashenka protests), a state-controlled newspaper was able to print an edition featuring an interview with a pro-Lukashenka singer.

Authorities warned businesses not to advertise in newspapers that criticized the government. As a result independent media outlets operated under severe budgetary constraints.

Libel/Slander Laws: Libel and slander are criminal offenses. The law provides large fines and prison sentences of up to four years for conviction of defaming or insulting the president. Penalties for defamation of character make no distinction between private and public persons. A public figure who is criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report for defamation.

On September 23, officers of the Internal Security Department of the Ministry of Internal Affairs detained the chief editor of the independent newspaper *Nasha Niva*, Yahor Martsinovich, searched his apartment, and confiscated computer equipment. Authorities released Martsinovich after detaining him for 72 hours, but he remained charged with libel against Deputy Internal Affairs Minister Alyaksandr Barsukou in connection to an interview the newspaper published in which Barsukou was accused of beating detainees inside holding facilities.

National Security: Authorities frequently cited national security to arrest or punish critics of the government or deter criticism of government policies or officials. For example, on September 9, authorities detained lawyer Maksim Znak, a member of the presidium of the Coordination Council. He was charged with “calling for actions aimed at harming national security.” Other members of the Coordination Council were also charged with similar offenses. The case was widely believed to be retaliation for Znak’s political activism.

### **Internet Freedom**

The government monitored internet communications without appropriate legal authority. According to Freedom House’s 2019 *Freedom on the Net Report*, all telecommunications operators are required to install surveillance equipment, making it possible for the government to monitor traffic in real time and obtain related metadata and data, such as users’ browsing history, including domain names and internet protocol addresses visited, without judicial oversight. All internet service providers must retain information about their customers’ browsing history for one year. Companies were also required to preserve identifying data regarding their customers’ devices and internet activities for at least five years and to turn over this information at the government’s request.

The government monitored email and social media. While individuals, groups, and publications were generally able to engage in the expression of views via the internet, including by email, all who did so risked possible legal and personal repercussions and at times were believed to practice self-censorship. Opposition activists claimed their emails and other web-based communications were likely monitored.

Registered news websites and any internet information sources were subject to the same regulations as print media. Websites may apply to register as news outlets, but registration requires the site to have an office located in nonresidential premises and a chief editor who is a citizen with at least five years of experience in managerial media positions. Websites that choose not to apply for registration may continue to operate but without the status of a media outlet. Their correspondents may not receive accreditation from state agencies, and they may not cover mass events or have the journalistic right to protect sources of information.

Authorities filtered and blocked internet traffic. From August 9 to August 12, internet access in the country was severely restricted for approximately 61 hours. Only intermittent text messages and voice calls worked for most individuals.



While authorities blamed foreign cyberattacks for the disruptions, independent experts attributed the disruptions to the government. Starting in August, there were repeated internet disruptions and complete internet shutdowns, usually coinciding with major protests and police actions to disperse them. Private internet service providers notified customers that the shutdowns were requested by the government on national security grounds. Telecommunications companies reported that authorities ordered them to restrict mobile internet data severely on the days when large-scale demonstrations occurred.

Authorities restricted content online. Online news providers must remove content and publish corrections if ordered to do so by authorities and must adhere to a range of government prohibitions on free speech (see also Freedom of Speech). Authorities may block access to sites that fail to obey government orders, including because of a single violation of distributing prohibited information, without a prosecutor or court's mandate. If blocked, a network publication loses its media registration. Owners of a website or a network publication have a month to appeal government decisions to limit access to their sites or to deny restoring access to them in court. On August 21, the Ministry of Information reported on that it had blocked access to more than 70 internet sites on August 9, including major independent news portals run by Euroradio, Radio Liberty, and the human rights NGO Vyasna. While most internet sites began working again by mid-August, many remained blocked for an extended period of time. Some were operational again by mid-November. In August, Lukashenka called independent media "part of the hybrid warfare against Belarus."

There were also efforts to restrict or block social media outlets online. On October 20, a Minsk district court ruled the Telegram channel *NEXTA Live* and its *NEXTA* logo were "extremist" and subsequently restricted access to information resources using its name. According to state-run media outlet BelTA's announcement, the decision was made in response to the finding of "extremist activities" on the Telegram channel, including calls for "organization and public appeals to stage mass riots." *NEXTA*, an encrypted channel, was a leading source of information on events in the country and published suggestions for protest routes and meeting points.

Authorities punished individuals for expressing their political views online. For example, on June 25, security forces raided the home of Ihar Losik, the administrator of the popular opposition Telegram channel *Belarus of the Brain*. He was charged with "actions that gravely violate public order," which carries up to three years in prison if convicted, and as of November, remained in pretrial

detention. Observers believed the charges to be in retaliation for his moderation of the opposition Telegram channel.

Owners of internet sites may also be held liable for users' comments that carry any prohibited information, and these sites may be blocked. The law also mandates the creation of a database of news websites and identification of all commentators by personal data and cell phone numbers. If a news website receives two or more formal warnings from authorities, it may be removed from the database and lose its right to distribute information.

By law, the telecommunications monopoly Beltelekom and other organizations authorized by the government have the exclusive right to maintain internet domains.

Authorities attempted to restrict online anonymity. A presidential edict required registration of service providers and internet websites and required the collection of information on users who used public internet. It required service providers to store data on individuals' internet use for a year and provide data to law enforcement agencies upon request. Conviction for violations of the edict was punishable by prison sentences, although no such violations were prosecuted. These government efforts, however, spurred the use of encrypted messenger programs, such as Telegram, that circumvented restrictions.

There were reports of politically motivated cyberattacks. Government webpages were attacked after the August 9 presidential election, including the Ministry of Internal Affairs website.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events.

Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of Belarus under the leadership of Alyaksandr Lukashenka. Government-mandated textbooks contained a heavily propagandized version of history and other subjects. Authorities obligated all schools, including private institutions, to follow state directives to inculcate the official ideology and prohibited schools from employing opposition members as principals.

The minister of education has the right to appoint and dismiss the heads of private educational institutions. For example, on August 31, the minister of culture dismissed the head of the Institute of Culture and Arts for purportedly failing to prevent students from protesting. The minister of health care replaced the heads of medical schools in Hrodna, Homyel, and Minsk after a number of doctors, medical professors, and students organized a series of protests in August.

The government restricted artistic presentations or other cultural activities. For example, in September authorities cancelled all shows at the local drama theater in Hrodna, citing the rise in COVID-19 cases, and dismissed at least two leading actors after the troupe stopped a show as a protest against the September 20 detentions of their colleagues at a local demonstration. Observers believed that the cancellation of the shows was in retaliation for the troupe's actions, since the government did not require all theatres to cancel their shows during the COVID-19 pandemic.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for freedom of peaceful assembly, but the government severely restricted this right and employed a variety of means to discourage demonstrations, disperse them, minimize their effect, and punish participants. The law provides for freedom of association, but the government restricted it and selectively enforced laws and regulations to restrict the operation of independent associations that might criticize the government.

### **Freedom of Peaceful Assembly**

Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons. Authorities usually denied requests by independent and opposition groups as well as those of self-organized citizens' groups.

The law penalizes participation in unauthorized gatherings, the announcement of an intention to hold a mass event before securing official authorization, training protesters, financing public demonstrations, or soliciting foreign assistance "to the detriment" of the country. Convictions of some violations are punishable by sentences of up to three years' imprisonment.

Persons with criminal records for crimes related to violating peace and order, statehood and governance, public security, safety, and public morals may not act as

mass event organizers. Individuals who were fined for participating in unauthorized mass events also may not organize mass events for a period of one year from the imposition of the fine.

The law requires organizers to notify authorities of a mass event planned at a designated location no later than 10 days before the date of the event. Authorities must inform organizers of their denial no later than five days before the event. By law denials may be issued for one of two reasons, the event conflicts with one organized by a different individual or group, or the notification does not comply with regulations. Organizers of mass events outside designated locations must apply at least 15 days in advance for permission, and authorities are required to respond no later than five days prior to the scheduled event. This practice was not in line with international standards according to the OSCE *Moscow Mechanism Report*. Authorities generally granted permits for opposition demonstrations only if they were held at designated venues far from city centers. The OSCE *Moscow Mechanism report* noted that authorities had not demonstrated the need for administrative arrests or fines in connection with spontaneous demonstrations, which the United Nations considered necessary in a democratic society and proportionate to considerations such as national security or public safety.

The law includes a system of reimbursements for police, medical, and cleaning services that organizers of mass events must pay to hold an event. Authorities continued to cover costs associated with events that were officially sponsored at the local and national level. If an application for holding a mass event is approved, organizers must sign contracts for such services two days ahead of the event and reimburse all costs within 10 days. Organizers complained about high costs of such contracts. For example, police services for an event with more than 1,000 participants at a specially designated venue cost approximately 7,290 rubles (\$2,990); at a nondesignated venue, the price is 1.5 times higher.

Authorities often formulated pretexts to deny permits for public demonstrations. For example, on July 30, opposition presidential candidate Svyatlana Tsikhanouskaya's rally in Minsk drew 63,000 participants, making it the largest campaign rally since the country's independence. Tsikhanouskaya was subsequently blocked from holding additional campaign rallies by local Minsk authorities. On August 2, authorities announced that state events would take place every evening at every permitted campaign rally location between August 2 and August 8, despite the fact that Tsikhanouskaya had submitted an application in mid-July to hold rallies at locations in Minsk on August 5 and August 8.

Police detained and jailed opposition members who attempted to organize political events or rallies. For example, on October 27, a Minsk district court sentenced Zmitser Dashkevich, an opposition and civil society activist and former leader of the Malady Front opposition youth group, to 15 days' imprisonment after being detained at an October 25 protest. Dashkevich was a key organizer of the Night of Assassinated Poets, an annual opposition commemorative event held October 29 at the Stalinist mass-killings site at Kurapaty to honor more than a hundred Belarusian poets, writers, and public figures killed in 1937.

During the year local authorities countrywide delayed answering or rejected applications for permission to stage various demonstrations. For example, during the year local authorities in Brest denied dozens of applications from a local group of residents who protested the construction and operations of a car battery plant. Police detained and fined several of them for violating the Law on Mass Events and holding rallies without government approval.

Authorities often used intimidation to discourage persons from participating in unauthorized demonstrations. Authorities videotaped political demonstrations and conducted identity checks as a form of intimidation, raising the threat that participants could be punished at a later date.

Between August and December, police detained more than 30,000 persons for participating in unsanctioned demonstrations. Police filed civil charges for participating in unauthorized mass events against the vast majority of individuals detained during protests. Such charges typically resulted in fines, short-term jail sentences of 10 to 15 days, or both. Police also opened at least 900 criminal cases against peaceful protesters and journalists between August 9 and December. In June and July, plainclothes and uniformed security officials also arbitrarily detained demonstrators who peacefully stood in lines along roads in many cities, with particular focus paid to individuals wearing opposition symbols or flying the white-red-white opposition-affiliated flag. Nondemonstrators were also detained by police. Other than during the mass detentions on August 9-11, the majority of individuals who were detained before and after the election were registered by police and released the same or next day, although authorities had the ability to apply short-term jail sentences at later dates.

Authorities detained a number of protest leaders, opposition members, and activists and jailed them for initial short-term sentences, then applied additional charges from earlier detentions to keep them jailed for longer periods of time. For example, after his May 6 arrest for participating in an unauthorized 2019 mass

event, on May 29, Syarhey Tsikhanouski was detained again in Hrodna while participating in a signature-gathering event for his wife's candidacy. On June 8, Tsikhanouski and six other detainees were charged with "disturbing public order" and "obstructing elections." On June 16, a criminal case was opened against him for allegedly interfering in the election process and hindering the work of the Central Election Commission. On July 30, authorities announced additional criminal charges against Tsikhanouski, alleging "preparation for mass riots" and an investigation into charges of incitement of violence against police. As of December, Tsikhanouski remained in prison while investigations into these criminal charges proceeded (see also sections 1.d. and 3).

Security forces physically and psychologically abused individuals while breaking up events, while individuals were in detention vehicles, and once protesters were in detention facilities (see section 1.c.). Authorities used water cannons, stun grenades, rubber bullets, pepper spray, and batons to break up demonstrations.

On October 12, Deputy Minister of Internal Affairs Henadz Kazakevich stated that law enforcement bodies would use "special equipment and lethal weapons if need be" to "guarantee the law in the country." Authorities used live ammunition in a few isolated instances, which led to the death of two protesters (see section 1.a.).

Human rights groups reported authorities sought to mark or tag protesters who had opposition symbols, chanted pro-opposition slogans, or resisted arrest. Water in water cannons was also reportedly dyed to allow identification of protesters later. Authorities reportedly singled out marked individuals for higher levels of physical and psychological abuse in detention facilities.

Plainclothes officers detained individuals with opposition symbols or who had been identified as protest participants or police claimed were protest leaders. When faced with large crowds at unauthorized mass events, plainclothes officers detained, and sometimes beat, suspected rally participants at random along the periphery of events and forced many into unmarked vehicles. From May to December, masked plainclothes police officers often did not announce themselves or present documentation.

In some cases courts sentenced participants in peaceful protests to long prison terms under criminal charges, in particular when authorities claimed demonstrators had engaged in violence. From August 9-11, isolated instances of demonstrators throwing rocks, firecrackers, or Molotov cocktails were filmed by media. Rock throwing also reportedly occurred during protests September 23 after

Lukashenka's inauguration ceremony. The Ministry of Internal Affairs reported at least 10 instances of motorists hitting police from August 10-12. After August 11, the vast majority of demonstrations were peaceful and instances of violence on the part of demonstrators appeared to follow police use of force or violent detentions, especially by masked plainclothes officers. From June through November, isolated fist fights between security officers and demonstrators or attempts by demonstrators to resist arrest occurred in various cities, generally following security officer attempts to arbitrarily detain protesters or disperse peaceful crowds.

For example, on September 29, the Maladzechna Regional Court convicted and sentenced local residents Paval Piaskou and Uladzislau Eustsyahneyeu to up to three years and three months in a low-security prison. Authorities charged them with resisting riot police when on June 19 they attempted to prevent police from detaining a protester.

Since early May the Investigative Committee of Belarus initiated at least 900 criminal cases against individuals who were detained during protests on charges including participation in mass disturbances or riots, causing harm to national security, resistance, and violence or threat of violence against an official of the Ministry of Internal Affairs, hooliganism, incitement to hostility or hatred, and organization of or participation in actions violating public order. For example, investigators charged at least 231 individuals for allegedly organizing or participating in actions violating public order after detaining them at a protest on November 1. According to the report, this indicated a return to government criminalization of peaceful protests.

Participants in demonstrations faced retaliation at state-run places of education or employment. According to a Ministry of Education directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and must ensure the proper ideological education of students. School officials, however, often cited poor academic performance or absence from classes as the official reason for expulsions. For example, in April administrators expelled a fourth-year student at Minsk State Linguistic University for allegedly not attending classes. The student claimed she was in a two-week quarantine for possible COVID-19 exposure. The student was a member of the executive board of the opposition-affiliated Union of Belarusian Students. From March 20 to March 23, she protested alongside other students near the university, handed out free medical masks, and chanted, "Ha-ha, I'll die here!" a criticism of authorities' COVID-19 response. The student claimed the university administration's decision

to expel her was a politically motivated. From October to December, more than 140 students were reportedly expelled due to their political views.

### **Freedom of Association**

All NGOs, political parties, and trade unions must receive Ministry of Justice approval to be registered. A government commission reviews and approves all registration applications; it based its decisions largely on political and ideological compatibility with official views and practices.

Actual registration procedures required applicants to provide the number and names of founders along with a physical address in a nonresidential building for an office--a difficult burden in view of the tight financial straits of most NGOs--as well as individual property owners' concerns that renting space to NGOs would invite government harassment. Individuals listed as members were more likely to face government pressure if the NGO fell afoul of authorities. Unregistered organizations that were unable to rent or afford office space reportedly attempted to use residential addresses, which authorities could then use as a reason to deny registration or claim the organizations were operating illegally. In 2019 authorities repealed the law criminalizing activities conducted on behalf of unregistered groups which had subjected convicted group members to penalties ranging from fines to two years' imprisonment. The punishment was replaced with administrative fines.

The law on public associations prohibits NGOs from keeping funds for local activities at foreign financial institutions. The law also prohibits NGOs from facilitating provision of any support or benefits from foreign states to civil servants based on their political or religious views or ethnicity.

On August 27, a presidential decree on foreign aid entered into force. The decree provides that only registered NGOs may legally accept foreign grants and technical aid and only for a limited set of approved activities. NGOs must receive approval from the Interdepartmental Commission on Foreign Grant Aid before they may accept funds or register grants that fall outside of a list of approved aid categories. Authorities further divided the aid usage into tax-exempt categories and taxable categories, that latter of which would require a registration fee equal to 0.5 percent of the taxable aid. The decree also introduced penalties for the usage of unauthorized or undeclared aid by primary or secondary aid beneficiaries and allows authorities to terminate aid funding.



Authorities may close an NGO after issuing only one warning that it violated the law. The most common pretexts prompting a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting what it considered illegal forms of foreign assistance and permits the Ministry of Justice to monitor any NGO activity and to review all NGO documents. NGOs also must submit detailed reports annually to the ministry regarding their activities, office locations, officers, and total number of members.

The government continued to deny registration to some NGOs and political parties on a variety of pretexts, including “technical” problems with applications. Authorities frequently harassed and intimidated founding members of organizations to force them to abandon their membership and thus deprive their groups of the number of petitioners necessary for registration. Many groups had been denied registration on multiple occasions.

Authorities harassed, intimidated, and imprisoned members of the Coordination Council formed by opposition leader Svyatlana Tsikhanouskaya to work toward a peaceful resolution of the political crisis. At its formation on August 18, the group had approximately 70 members, seven of which were elected to form a presidium, and later grew to thousands of members. Within a month all but one of the members of the council’s presidium had been forced to flee the country or were in prison.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government at times restricted the right of citizens, former political prisoners in particular, to foreign travel. Following the presidential election, the government increased restrictions on the ability of Belarusians to return home from abroad.

In-country Movement: Passports serve as a form of identity, and authorities required them for permanent housing, work, and hotel registration. Police

continued to harass selectively individuals who lived at a location other than their legal place of residence as indicated by mandatory stamps in their passports.

The law also requires persons who travel to areas within 15 miles of the border (aside from authorized crossing points) to obtain an entrance pass.

Foreign Travel: The government's database of persons banned from traveling abroad contained the names of individuals who possessed state secrets, faced criminal prosecution or civil suits, or had outstanding financial obligations. Authorities informed some persons by letter that their names were in the database; others learned only at border crossings. The Ministry of Internal Affairs and security agencies, border and customs services, and financial investigation departments have a right to place persons on "preventive" surveillance lists.

The Ministry of Internal Affairs is also required to track citizens working abroad, and employment agencies must report individuals who do not return from abroad as scheduled.

The leader of the Roman Catholic Church in the country, Archbishop Tadeusz Kondrusiewicz, was barred from re-entering the country in late August as he returned from church business in Poland. The archbishop had spoken out against police violence and prayed in front of a detention center in Minsk after unsuccessfully trying to visit arrested peaceful protesters. Authorities claimed they placed the archbishop on a nonentry list and revoked his passport while they probed allegations he maintained multiple citizenships. The archbishop reportedly only maintained Belarusian citizenship. By law citizenship may not be revoked if a citizen only has Belarusian citizenship and has no claim to another citizenship. Entry may not legally be denied to Belarusian citizens. In late December the archbishop was allowed to reenter the country.

On October 29, authorities abruptly closed the border with Poland and Lithuania, restricting entry into the country. On November 1, authorities temporarily closed all land borders to regular travelers, ostensibly to curtail rising COVID-19 infections. Lukashenka previewed the move in a September 17 speech, in which he did not mention COVID-19 but threatened to close the country's Western borders because of what he purportedly saw as hostile actions from neighboring democratic governments, in particular Poland and Lithuania. On November 5, authorities further tightened restrictions, primarily against foreigners, but in some cases authorities restricted Belarusian citizens from entering the country, which observers stated was counter to the constitution. In early December the

government imposed exit restrictions on citizens seeking to leave by land, reportedly to limit the spread of COVID-19 in the country; NGOs and activists claimed that these closures restricted options for those seeking to leave the country. On December 20, these measures went into effect and restricted the frequency of departures and the categories for persons who could depart. Authorities kept airports open to international travel during this period, although limited availability and high prices imposed costs and restricted options for those seeking to leave the country.

Exile: The law does not allow forced exile, but sources asserted that security forces continued to threaten some opposition members with bodily harm or prosecution if they did not leave the country, particularly after the August 9 election. Some others were in self-imposed exile or were driven to the border by authorities and forced to cross.

In July presidential hopeful Valery Tsapkala fled the country with his children, reportedly fearing arrest after other presidential candidates were detained in May and June. His wife, Veranika Tsapkala, participated in Svyatlana Tsikhanouskaya's presidential campaign and in August also fled due to government pressure and fear of arrest.

After the August 9 presidential election, authorities forced opposition candidate Svyatlana Tsikhanouskaya into exile. Authorities reportedly threatened "her children would grow up as orphans." On May 29, her husband was detained by authorities and as of December remained in detention. Authorities also detained and threatened an associate of Tsikhanouskaya, Volha Kavalkova, who accepted exile in September after authorities threatened her with a long prison term if she did not leave the country. On September 8, two additional members of the opposition's Coordination Council, Executive Secretary Ivan Krautsou and Spokesperson Anton Radnyankou, were forced into exile. Security forces abducted Krautsou and Radnyankou and drove them to the border with Ukraine, where they were forced to cross the border into Ukraine.

Many university students who were expelled or believed they were under the threat of expulsion for their political activities opted for self-imposed exile and continued their studies abroad.

#### **e. Internally Displaced Persons**

Not applicable.

## **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Refoulement: There were reports that the government expelled or returned asylum seekers or refugees to countries where they were likely to face abuse. For example, on June 29, the Supreme Court rejected the appeal of a Turkish citizen of Kurdish nationality, Hicri Mamas, who had been denied international protection in Belarus and expelled. Turkey sought Mamas' extradition on charges of "infringement of the unity and territorial integrity of the state." Multiple human rights organizations believed Mamas faced a significant risk of torture if he returned to Turkey.

Access to Asylum: The law provides for granting asylum or refugee status and complementary and temporary protection to foreign citizens and stateless persons, with some exceptions. The government has established a process for determining refugee status and a system for providing protection to refugees. The law provides for protection against refoulement granted to foreigners who are denied refugee status or temporary protection but are unable to return to their countries of origin.

All foreigners except Russians have the right to apply for asylum. According to the terms of the Union Treaty with Russia, Russians citizens may settle and obtain residence permits in the country. The government made an exception for one Russian citizen who sought asylum for religious reasons.

Freedom of Movement: Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to authorities while their applications are being considered, including during appeals. Authorities reportedly often encouraged asylum seekers to settle in rural areas; however, the majority settled in cities and towns. Change of residence was possible with a notification to authorities. Authorities issue registered asylum seekers certificates that serve as documents to confirm their status as asylum seekers and identity and protect them from expulsion. In accordance with the law, they also must register with local authorities at their place of residence.

Access to Basic Services: Adults who are seeking asylum have to pay for higher education as well as for nonemergency medical services while minors receive education and medical services free of charge. Free legal assistance, housing, and language training are not available to either asylum seekers or refugees. Once asylum seekers obtain asylum, they are treated as residents.

Durable Solutions: Naturalization of refugees was possible after seven years of permanent residence, as in the case of other categories of foreign residents.

Temporary Protection: Although the government may provide temporary protection (for up to one year) to individuals who may not qualify as refugees, it did not do so during the year.

### **g. Stateless Persons**

As of July 1, the Ministry of Internal Affairs and UNHCR listed 6,300 stateless persons. According to authorities, 98 percent of these individuals had permanent residence permits.

Permanently resident stateless persons were treated comparably to citizens in terms of access to employment, with the exception of a limited number of positions in the public sector and law enforcement bodies that were available only to citizens. There were reports that stateless persons occasionally faced discrimination in employment, since authorities often encouraged them to settle in rural areas where the range of employment opportunities was limited. According to UNHCR, stateless persons could freely change their region of residence.

There is a path to citizenship for the stateless population. The main requirement is at least seven years' permanent residence. Authorities have a procedure for expedited naturalization but mostly for individuals born or permanently residing in the country prior to the collapse of the Soviet Union, ethnic Belarusians, their spouses, and descendants. If a child is born into a family of stateless persons permanently residing in the country, the child is entitled to Belarusian citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government consistently denied citizens this ability by not conducting elections according to international standards.

Since his election in 1994 to a four-year term as the country's first president, Alyaksandr Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of powers among the branches. Flawed referendums in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent elections, including the National Assembly elections held in November 2019 and the presidential election held on August 9, continued to deny citizens the right to exercise their will in an honest and transparent process including fair access to media and to resources.

### **Elections and Political Participation**

Recent Elections: According to independent local observation groups, the August 9 presidential election was marred by numerous abuses, the use of administrative resources in favor of the incumbent, the absence of impartial election commissions, unequal access to media, coercion of voters to participate in early voting, nontransparent vote tabulation, and restrictions on independent observers. Irregularities identified by NGOs and independent observers raised significant doubts regarding authorities' claims that Alyaksandr Lukashenka received 80 percent of votes during the presidential election.

Government pressure against potential opposition presidential candidates began three months prior to the presidential election and continued afterward. Authorities prior to the presidential election restricted the ability of challengers to register as candidates, restricted candidates from campaigning, pressured and detained presidential campaign teams, pressured citizens who showed support for opposition candidates, and detained press to limit opposition coverage.

The OSCE rapporteur's *Report under the Moscow Mechanism on Alleged Human Rights Violations* related to the August 9 presidential election, released by the OSCE on November 5, detailed a wide range of allegations of electoral irregularities concerning: "1) nontimely invitation of international observers, 2) shortcomings in the appointments of election management bodies on all levels, 3) restrictions of the right to stand (for office), 4) limitations in election dispute resolution, 5) overall disregard for freedom of assembly, 6) unequal playing field for candidates, including nontransparency in campaign financing, 7) nontransparent early voting process, 8) overcrowding of polling stations, 9) missing checks and balances, lack of possibility for verifying the electoral results, and 10) inaccessibility of all steps of the electoral process for observation

inhibiting the effective assessment of the elections.” The report stated that “in view of the evident shortcomings of the presidential elections which did not meet the basic requirements established on the basis of previous election monitoring and the observations by citizen the presidential election have to be evaluated as falling short of fulfilling the country’s international commitments regarding elections. Allegations that the presidential elections were not transparent, free or fair were found confirmed.”

Authorities detained and at times charged opposition campaign team members, including regional representatives, with allegedly participating in unauthorized mass events, which placed additional pressure on opposition campaign teams. Progovernment candidates or teams did not face similar police pressure.

During the campaign season, authorities arrested or forced into exile the candidates observers described as posing the greatest threats to his re-election.

On May 6, authorities detained presidential hopeful Syarhey Tsikhanouski and held him for 15 day for allegedly participating in an unauthorized mass event in December 2019, which kept him imprisoned past the May 15 deadline for registering signature collection groups for presidential candidates. Tsikhanouski was prevented from signing the documents necessary to register his signature collection group by the deadline. Although officials admitted Tsikhanouski’s candidacy met the election law criteria, they claimed his signature was required. Tsikhanouski’s wife, Svyatlana Tsikhanouskaya, instead submitted her own name, which authorities accepted.

On May 29, Tsikhanouski was detained again in Hrodna while participating in a signature-gathering event for his wife’s candidacy (see section 2.b., Freedom of Peaceful Assembly). Authorities claimed he was involved in a brawl in which police were attacked. State media highlighted the detention and allegations against Tsikhanouski. Independent media and video footage captured by multiple bystanders showed a pair of women who followed Tsikhanouski and attempted to provoke him into arguments. He first spoke with and then attempted to avoid the pair. Police grabbed Tsikhanouski’s arm after one woman complained he was avoiding her questions. Members of the crowd moved to assist Tsikhanouski and separate him from police, during which one officer fell to the ground. Moments later, riot police detained Tsikhanouski and nine of his associates, including his local campaign representative who had not been near the alleged brawl. In June, Tsikhanouski was charged with various criminal offenses (see section 2.b.). As of December, Tsikhanouski remained in detention.

On June 18, authorities detained former Belgazprombank chairman and presidential hopeful Viktor Babaryka and his son Eduard while on their way to submit the necessary signatures to register his presidential candidacy with the Central Election Commission. Babaryka was taken to the facility of the State Control Committee's Department of Financial Investigations for questioning, and authorities barred Babaryka's lawyers from speaking with him. Independent media and human rights NGOs reported that, on June 21, authorities charged Babaryka with large-scale money laundering, tax evasion, large-scale theft, fraud, and bribery. The charges carry criminal penalties, including fines and multiyear prison sentences. The court rejected Babaryka's appeal to have his detention overturned. Authorities declined to register Babaryka as a candidate after his campaign team gathered more than 400,000 valid signatures, citing inconsistencies in his income and property declaration as well as the "participation of a foreign organization in his election campaign." NGOs stated that Babaryka was arrested in response to his political activities and general popularity during his presidential campaign. As of December, Babaryka and his son remained in detention.

On June 29, the Ministry of Internal Affairs announced it had started preliminary investigations into alleged "facts of illegal activities" committed by presidential candidate, High-Tech Park founder, and former diplomat Valery Tsapkala. On July 14, the Central Election Commission barred him from running in the presidential campaign claiming that many of his support signatures were invalid, and that information regarding his income declaration and wife's assets was inaccurate. On July 21, a court in Minsk held an initial hearing without Tsapkala present on a lawsuit filed against him by a Turkish businessman who accused Tsapkala of bribery. On July 24, Tsapkala fled the country with his children after he heard authorities planned to arrest him (see section 2).

The government appeared to manipulate administrative procedures or the criteria for candidate registration in order to restrict political competition. In order to become a presidential candidate, authorities required each hopeful to collect 100,000 signatures. Citizens were allowed to sign for multiple candidates. In order for the signatures to count, authorities required campaign teams to have official representatives for each region who would submit the signatures with accompanying proof of citizenship to local level government offices. Citizen signatures were only valid in the districts where they were registered; this placed a higher burden on smaller campaign teams. For example, the Central Election Commission rejected Tsapkala's application to run as a presidential candidate because he allegedly failed to submit enough valid signatures. Tsapkala's



campaign team claimed it submitted 200,000 signatures, but authorities only counted 75,000 as valid, causing him to fall short of the 100,000 threshold. Tsapkala appealed the decision, which the Supreme Court rejected on July 20.

According to the OSCE *Moscow Mechanism Report*, authorities introduced amendments that interfered with the transparency of the formation of election commissions, sought to decrease the proportion of independent and opposition participation in election commissions, and rejected or did not consider complaints and appeals concerning the nomination of election commissions. According to independent domestic monitors, authorities discriminated against the opposition members seeking seats on electoral commissions. Of 25 opposition members who applied for seats on territorial election commissions, only two were included. Of 545 opposition members applying for seats on precinct electoral commissions, only six were included. The other seats went to progovernment associations. As a result, observers maintained that these commissions remained biased against the opposition.

Authorities used an assortment of measures to support claims that vote tabulation on August 9 was legitimate. Key among these were restricting independent observation by domestic and international observers in favor of government-affiliated observers and claiming higher early voting participation to increase the number of ballots that could be fraudulently counted in Lukashenka's favor.

Authorities restricted domestic and international observers during the election. After thousands of government-affiliated observers registered, on July 22, Central Election Commission chairwoman Lidziya Yarmoshyna stated that due to COVID-19, the government would limit observers at each polling station to three during early voting and five on election day. The majority of independent observers had not yet registered (as they had not expected registration to be limited, and assumed they had more time to register as deadlines for registration in previous elections had been much closer to the day of the election), and commission chairs at each polling station who controlled observation gave precedence to those who registered first.

There were extensive reports of state employees being coerced to vote early. Independent domestic observers who tallied voters estimated the early voting figure was inflated by a factor of two to three at some polling stations, undermining government claims early voting turnout was higher than election day turnout. On election day, independent observers at some precincts noted that combined early official voting numbers and tallies of observed voters on election

day yielded a turnout of more than 100 percent of voters registered in the precinct. As in prior elections, voting tabulation remained nontransparent to observers.

Authorities allowed the diplomatic community to participate in observation, and noted COVID-19 restrictions would not apply to international observers. At vote-tabulation time, however, commission chairs at a number of poll stations claimed five observers were already in the room and so barred some international observers from observing tabulation.

Human rights monitors, independent observers, and the OSCE rapporteur under the Moscow Mechanism concluded that elections did not comply with international standards. Opposition candidates, their representatives, and independent observers reported authorities dismissed the vast majority of complaints they filed.

After authorities announced preliminary election results on August 10 claiming Lukashenka won the election, the government forced presidential contender Svyatlana Tsikhanouskaya into exile. Results at the small number of polling stations that counted votes transparently showed that Tsikhanouskaya received more votes at these locations and suggested she could have received a majority of the votes or enough to force a second round runoff. According to independent NGO monitoring, the state's control over all broadcast media was employed to promote the candidacy of the incumbent, while state-controlled outlets provided only critical coverage of opposition candidates, largely focused on criminal charges authorities had brought against them.

According to NGOs, the electoral process at all stages failed to comply with a number of international standards for democratic and fair elections. Numerous violations of international standards and the country's law were reported.

Authorities largely denied or dismissed petitions and complaints about violations of the electoral code during various stages of the election. Courts received 484 appeals regarding decisions on the formation of election commissions, of which 415 were denied and 69 went without consideration. Independent observers who were part of the Human Rights Defenders for Free Elections, a volunteer election observation initiative, submitted approximately 3,000 complaints to various state bodies and higher election commissions during early voting and on election day. Authorities reportedly denied all complaints.

According to the OSCE, it required a timely invitation to observe the August 9 presidential election, meaning notification at least 12 weeks before election day.

When the government announced the presidential election date on May 8 it also stated the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) would be invited to observe after the candidate registration period closed on July 14. The OSCE informed the country's authorities it needed a timely invitation on several occasions and on July 15, the ODIHR Director announced that ODIHR had not received a timely invitation and would be unable to send an observation mission. Belarus authorities sent an invitation on July 15. When authorities were later criticized for a lack of ODIHR observers, the government blamed ODIHR, claiming the country had invited ODIHR to attend and monitor the vote. The OSCE *Moscow Mechanism Report* noted that the government sent an invitation four months before the 2019 National Assembly election, "which raises the suspicion that (delaying the invitation) was done on purpose in order to avoid international monitoring of part of the pre-election process, in particular the registration of candidates, where numerous problems were observed."

In March international observers previously assessed that the November 2019 National Assembly elections also failed to meet international standards. According to the ODIHR, OSCE Parliamentary Assembly, and Parliamentary Assembly of the Council of Europe election observation mission intermediate report, while the National Assembly elections proceeded calmly with a high number of candidates and observers, they did not meet important international standards for democratic elections and there was an overall disregard for fundamental freedoms of assembly, association, and expression.

The observation mission report on the National Assembly elections found that a high number of candidates stood for election, but an overly restrictive registration process inhibited the participation of opposition candidates. A limited amount of campaigning took place within a restrictive environment that, overall, did not provide for a meaningful or competitive political contest. Media coverage of the campaign did not enable voters to receive sufficient information about contestants. The election administration was dominated by the executive authority, limiting its impartiality and independence, and the integrity of the election process was not adequately safeguarded. Significant procedural shortcomings during the counting of votes raised concerns about whether results were counted and reported honestly, and an overall lack of transparency reduced the opportunity for meaningful observation.

**Political Parties and Political Participation:** Authorities routinely impeded the activities of opposition political parties and activists. Some opposition parties lacked legal status because authorities refused to register them, and the government

routinely interfered with the right to organize, run for election, seek votes, and publicize views. The government allowed approximately six largely inactive but officially registered pro-Lukashenka political parties to operate freely. The government used its monopoly on broadcast media to disparage the opposition and promote pro-Lukashenka parties and to restrict the ability of opposition candidates to publicize their views. There were reports of government resources being used to benefit the incumbent, such as government officials campaigning for Lukashenka during working hours.

During the year authorities fined and arrested opposition political parties' leaders for violating the Law on Mass Events and participating in numerous unauthorized demonstrations (see section 2). The law allows authorities to suspend parties for six months after one warning and close them after two. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice. Members of parties that continued to operate when authorities refused to register them, such as the Belarusian Christian Democracy Party, continued to be subjected to harassment and arbitrary checks.

Central Election Commission chairwoman Lidziya Yarmoshyna reported that the COVID-19 restrictions would not apply to international observers, proxies of presidential candidates, members of the House of Representatives and members of the Council of the Republic, members of local councils who could observe the election in accordance with their status, or registered media. The vast majority of observers at polling stations and during voting and vote tabulation were government affiliated, while domestic independent observers waited outside poll stations and sought to count individuals who entered the premises. Domestic independent observers faced significant restrictions, including limitations on their ability to be present at polling stations, purportedly because of the threat of COVID-19. The government, however, did not take any other precautions related to the pandemic, such as enforcing social distancing, limiting the number of voters in buildings at any given time, or requiring the wearing of masks. In a number of cases, commissions removed independent domestic observers from polling stations for allegedly interfering with their work and banned them from videotaping or taking photographs. Some government officials responsible for polling sites called police to detain independent domestic observers for various alleged inappropriate behavior. Police for the most part took these observers to police stations, checked their documents, and released them. Human rights activists reported 86 domestic observers were detained during the early voting period.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, but the government's patriarchal attitude disfavored women's efforts to achieve positions of authority. Of the country's 24 government ministers, only one was a woman. Women increasingly joined the opposition as leaders, served as vocal members of the opposition, led regular "women's marches," and participated in protests more broadly. Women told independent media that they were inspired to become more politically active after hearing Lukashenka's remarks regarding his female opponent Tsikhanouskaya. He stated, "Our Constitution is not suitable for a woman. Our society is not ready to vote for a woman. Because the Constitution gives strong authority to the president." In later remarks to clarify his statement, Lukashenka said that the presidency was a heavy burden for anyone, but female candidates in particular would be "unable to handle the pressures of the presidency."

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government appeared to prosecute regularly officials alleged to be corrupt. There were, however, also allegations that some high level officials sometimes engaged in corrupt practices with impunity. The World Bank's *Worldwide Governance Indicators* reflected that corruption was a serious problem in the country. In March 2019 the Council of Europe's Group of States against Corruption (GRECO) declared the country noncompliant with its anticorruption standards. The government did not publish evaluation or compliance reports, which according to GRECO's executive secretary, "casted a dark shadow over the country's commitment to preventing and combating corruption and to overall cooperation with GRECO." In October 2019 GRECO's executive secretary repeated its concerns regarding the country's "continuous noncompliance."

Corruption: According to official sources, most corruption cases involved soliciting and accepting bribes, fraud, and abuse of power, although anecdotal evidence indicated such corruption usually did not occur as part of day-to-day interaction between citizens and minor state officials.

The absence of independent judicial and law enforcement systems, the lack of separation of powers, and a harried independent press largely barred from interaction with a nontransparent state bureaucracy made it virtually impossible to gauge the scale of corruption or combat it effectively.

The most corrupt sectors were state administration and procurement, the industrial sector, the construction industry, health care, and education.

There were numerous corruption prosecutions during the year. For example, in January the BKGB announced it arrested four general managers of sugar refineries, including the head of the Belarusian Sugar Company and the former deputy head of the Interior Ministry's organized crime and corruption department, Uladzimir Tsikhinya. They were reportedly charged with accepting "hundreds of thousands of dollars" in bribes, and Lukashenka accused them of "pocketing kickbacks and corruption" for allegedly selling sugar through intermediaries at lower price, which exported it to Russia and illegally re-exported back at higher prices. On August 25, independent media reported that Tsikhinya, who purportedly notified general managers of possible inspections and abuses against them, was charged and released, while other suspects reportedly remained in pretrial detention.

In general, corruption prosecutions remained selective and nontransparent.

Financial Disclosure: Anticorruption laws require income and asset disclosure by appointed and elected officials, their spouses, and members of households who have reached legal age and continue to live with them in the same household. According to the law, specialized anticorruption departments within the Prosecutor General's Office, the BKGB, and the Ministry of Internal Affairs monitor and verify anticorruption practices, and the prosecutor general and all other prosecutors are mandated to oversee the enforcement of anticorruption law. These declarations were not available to the public; an exception applies to candidates running in presidential, National Assembly, and municipal elections. There are administrative sanctions and disciplinary penalties for noncompliance.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

There were a number of active domestic human rights NGOs, although authorities were often hostile to their efforts, restricted their activities, selectively cooperated with them, and were not responsive to their views.

Prominent human rights NGOs--such as the Belarusian Helsinki Committee, the Office for the Rights of Persons with Disabilities, and the Center for Legal Transformations--operated as registered entities. The government refused to register some other NGOs, placing them at risk of fines. Some unregistered

NGOs, including Vyasna and Legal Assistance to the Population, continued to operate.

Authorities at times harassed both registered and unregistered human rights organizations. They subjected them to inspections and threats of deregistration and reportedly monitored their correspondence and telephone conversations. Beginning in August, human rights activists were also arrested during the government's violent crackdown. For example, on September 17, Vyasna human rights activist and volunteer coordinator Marfa Rabkova was detained and later charged with criminal activity for the "training or other preparation of persons to participate in riots, or funding such activities." Vyasna asserted that Rabkova's detention and charges were politically motivated in response to her efforts to train short-term election observers for the Human Rights Defenders for Free Elections volunteer initiative and her work in documenting severe abuses of detainees. As of December, Rabkova remained in detention along with two other Vyasna volunteers, Andrei Chapiuk and Ksenia Syramalot. Vyasna considered all three individuals to be political prisoners.

The government largely ignored reports issued by human rights NGOs and rarely met with unregistered groups. State-run media rarely reported on human rights NGOs and their activities.

During the year the Belarusian Helsinki Committee's bank accounts remained blocked due to long-standing tax arrears related to foreign funding the organization received in the early 2000s, on which the government places restrictions, but the government allowed the committee to operate without other interference.

Authorities may close an NGO after issuing only one warning that it violated the law, including the law on mass events. The law allows authorities to close an NGO for accepting what it considered illegal forms of foreign assistance and permits the Justice Ministry to monitor NGO activities and review their documents. NGOs must also submit detailed annual reports to the ministry regarding their activities, office locations, and total number of members.

Authorities were generally reluctant to engage on human rights problems with international human rights NGOs or other human rights officials, and international NGO representatives often had difficulty gaining admission to the country in their official capacity. Authorities routinely ignored local and international groups' recommendations on improving human rights in the country, as well as requests to stop harassing the human rights community.

The United Nations or Other International Bodies: In 2018 the UN Human Rights Council appointed Anais Marin as the special rapporteur on the situation of human rights in the country. The government continued to speak against “the politicized and senseless” mandate of the rapporteur, refused to recognize the mandate, and denied Marin entry to the country. On September 17, a total of 17 OSCE participating states invoked the “Moscow Mechanism” against the country to look into reports of serious human rights abuses, including election fraud and substantial interference with freedom of expression and the right of peaceful assembly. The country did not cooperate with the mechanism’s expert mission or allow it access to the country.

Government Human Rights Bodies: The country does not have an ombudsman or other national human rights institution. A standing commission on human rights in the lower chamber of the National Assembly was ineffective.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape of men and women in general but does not include separate provisions on marital rape. The penalty for conviction of rape with aggravating factors is three to 15 years’ imprisonment. While sexual assault and rape continued to be significant problems, the government generally prosecuted cases against nonspouses committing rape. For example, on March 3, the Vileika District Court convicted a 26-year-old man of raping a 15-year-old girl and sentenced him to seven years’ imprisonment. The case was considered under the law as rape of a known minor, which is punishable by imprisonment for a term of five to 13 years. According to NGOs, authorities often did not consider spousal rape and did not prosecute such cases unless they involved severe aggravating factors and direct threats to victims’ lives.

Domestic violence was a significant problem and the government did not take effective measures to prevent it during the year. The government continued to issue protective orders mandating the separation of victims and abusers and provided temporary accommodations for the duration of the orders. It also operated crisis rooms that provided limited shelter and psychological and medical assistance to survivors.



The law on crime prevention establishes a separate definition of domestic violence and provides for implementation of protective orders, which are from three to 30 days in duration. The law requires authorities to provide victims and abusers with temporary accommodation until the protective orders expire. In addition the code on administrative offenses prescribes a substantial fine or detention for up to 15 days for violating protective orders, battery, intended infliction of pain, and psychological or physical suffering committed against a close family member.

According to a number of women's rights NGOs, protective orders and crisis rooms remained ineffective and provided limited protection of victims' rights. Efforts to prosecute offenders and ensure legal and other remedies to correct their behavior were also lacking. NGO experts continued to note the lack of state-supported designated shelters and specialists that work with victims, children, and aggressors.

According to the Internal Affairs Ministry, from January-March officers registered 655 offenses related to household and domestic violence crimes, which was reportedly down by 18 percent compared with the same period in 2019. Of those, 58 cases included causing severe bodily harm, 27 deaths caused by family members, and 225 cases of death threats and causing severe bodily harm. Police reported they prosecuted 186 individuals on charges of abusing family members. Police issued 1,903 protective orders from January-March.

According to press reports, on May 14, a 38-year-old man in the town of Cherkau severely beat his 39-year-old wife. The woman did not make a police report or seek medical attention until two days later, when she was hospitalized and died of her injuries the same day. The man was detained and charged with battery.

A Ministry of Internal Affairs representative was reachable once a month through July on a NGO-run nationwide hotline for victims of domestic violence. In August the NGO running the hotline stopped working with the Ministry of Internal Affairs representative following the government's crackdown on demonstrators. As of June the shelter and hotline providers had not seen an increase in requests for help in the country during the COVID-19 pandemic, although this may have been associated with the lack of a government-imposed countrywide lockdown or self-isolation requirements. The Ministries of Internal Affairs, Labor and Social Protection, and Healthcare and NGOs continued a campaign, "Home without Violence." The campaign was shifted online during the pandemic but was covered by government media.

Sexual Harassment: Sexual harassment reportedly was widespread, but no specific laws, other than those against physical assault, address the problem. Victims of sexual harassment did not have access to criminal or civil remedies for sexual harassment that occurred in the workplace.

Coercion in Population Control: In prior years, women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies. While there are no indications that the practice has changed, no specific cases were highlighted during the year by press or NGOs.

Discrimination: The law provides for equal treatment of women with regard to property ownership and inheritance, family law, equal pay for equal work (although women were often paid less), and in the judicial system, and the law was generally respected. Although women have the same legal status as men, they experienced discrimination in employment as well as discrimination in the workplace (see section 7.d.).

During the year Lukashenka made multiple disparaging comments regarding female political opposition leaders that reflected a discriminatory attitude against women participating in the political arena (see section 3).

## **Children**

Birth Registration: Citizenship is derived either by birth within the country or from one's parents. A child of a citizen is a citizen regardless of place of birth, even if one parent is not a citizen. Births were generally registered immediately.

Child Abuse: Conviction of rape or sexual assault of a person known to be a minor is punishable by up to 15 years' imprisonment. The penalty for conviction of a person older than 18 engaging in sexual acts with a person known to be younger than 16 carry is a sentence of up to 10 years' imprisonment.

According to local human rights groups, domestic violence and abuse against children was common, and anecdotal evidence suggested that many parents admitted to beating their children. In a number of resonant cases of child abuse and assault, at least one parent, who committed a crime against the child, suffered from alcohol addiction, and the other was reluctant to report the crime. For example, a court in the town of Zelva convicted and sentenced a male resident to 25 years in prison for continuously abusing his minor daughters, one of whom

suffered severe injuries and died. Authorities generally intervened to prevent child abuse stemming from domestic violence and identified families in vulnerable conditions and provided foster care to children who could not remain with their immediate families while preventive work was underway. Although the government continued to prosecute child abusers, its efforts to address the causes of child abuse were inadequate, lacking effective capabilities to detect violence and refer victims for proper assistance in a timely manner. The government instituted a comprehensive national plan for 2017-21 to improve childcare and the protection of children's rights, including for victims of child abuse, domestic violence, and commercial sexual exploitation, but it acknowledged its inefficiency in executing certain protective measures absent assistance from international organizations and NGOs.

With assistance from NGOs that promote children's rights, authorities employed procedures for on-the-record, one-time interviewing of child-abuse victims in the framework of investigations or criminal cases at specialized facilities under the direct supervision of psychologists. Courts often used recorded testimony to avoid repeatedly summoning child-abuse victims for hearings, but experts continued to raise concerns that in some cases, judges summoned child-abuse victims to testify at hearings. More experienced judges with expertise in developmental psychology, psychiatry, and education generally heard cases that affected the rights and interests of minors.

As of January the Ministry of Education ran 138 social-educational centers nationwide for minor victims of any type of violence or minors in vulnerable and dangerous conditions, but independent observers questioned the quality of services. General health-care institutions provided a wide range of medical aid to child abuse victims free of charge.

Child, Early, and Forced Marriage: The legal minimum age of marriage for both boys and girls is 18, although girls as young as 14 may marry with parental consent. There were reports of early marriage in which girls as young as 14 and boys as young as 16 married with parental consent.

Sexual Exploitation of Children: The minimum age for consensual sex is 16. Prostitution of children was a problem, and the government took some steps to address it. From January through September, the government identified 354 minors as victims of child sexual abuse and 24 minors exploited for pornography. The law provides penalties of up to 13 years in prison for conviction of production or distribution of pornographic materials depicting a minor. The government

generally enforced the law. The government claimed that the law did not require a demonstration of force, fraud, or coercion to constitute a child sex-trafficking offense and claimed to have identified 27 minor trafficking and trafficking-related victims. Authorities considered child pornography and cyber-related methods like sexting, grooming, and sextortion to be serious problems and in January adopted a separate 2020-22 plan of action to protect minors from sexual abuse and exploitation. There were no reports on the implementation of the plan as of December.

Institutionalized Children: There was no system for monitoring child abuse in orphanages or other specialized institutions. Authorities did not report any child-abuse incidents in institutions. There have been allegations of abuse in foster families; the government opened or continued investigations into some of these cases.

According to a 2018 UNICEF study, more than two in five children at residential care institutions were exposed to either physical or psychological violence. Approximately one in four children participating in the survey reported exposure to physical violence at institutions. The children living in institutions appeared significantly more vulnerable compared with children living in families: they had two to three times more exposure to violence than children from secondary schools. Children from special closed-type educational institutions and penitentiary institutions reported greater exposure to violence both at home and in the institutions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The Jewish community estimated that between 30,000 and 40,000 Jews lived in the country.

There were reports of isolated anti-Semitic incidents after the August 9 election, including cases of anti-Semitic violence by state actors during detentions. For example, according to press reports, police in Minsk detained Aleksandr Fruman while detaining protesters. Fruman reported that, upon learning that he was an

Israeli citizen, police beat him while shouting anti-Semitic insults, and told him that “it was time to get another circumcision.” Jewish community leaders did not express concerns that their community members who participated in protests had been targeted for their ethnicity or religious group when detained by police.

Many memorials to victims of the Holocaust, built in Soviet times as well as more recently, do not distinguish Jewish victims from other victims of Nazi atrocities. The Jewish community continued to work with foreign donors and local authorities to erect monuments to commemorate Jewish victims specifically.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities, and discrimination was common.

On September 14, a regional court in Smarhon dismissed a case filed by a local children’s music school teacher with physical disabilities, who was seeking to restore a number of his rights, which he argued were abused based on his disability and discriminatory attitudes toward him. For example, although he had worked at the school since 1996, the building was not fully accessible and the administration held teachers’ conferences on a floor the teacher could not reach, limiting his ability to share information related to his work. The teacher also cited discriminatory and derogatory language used by the school’s principals and fellow teachers as well as the principal’s refusal to provide extra days off for the teacher, who was in a risk group for COVID-19. The school reportedly addressed the teacher’s working schedule and improved accessibility to the building prior to the court ruling, which allowed the court to dismiss the case.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities, but few public areas were wheelchair accessible or accessible for persons with hearing and vision disabilities. The National Association of Disabled Wheelchair Users estimated that more than 90 percent of persons with physical disabilities were unable to leave their places of residence without assistance and stated their residences were not suitable to accommodate persons with physical disabilities. While authorities claimed that 30 percent of the

country's total infrastructure was accessible, disability rights organizations considered this figure inflated, although the situation continued to improve during the year. NGOs reported that the government was growing increasingly aware of these problems, but progress was slow.

The country's lack of independent living opportunities left many persons with disabilities no choice but to live in state-run institutions. According to the Ministry of Labor, approximately 89 such institutions across the country housed approximately 21,500 persons. Disability rights organizations reported that the quality of care in these facilities was low. Instances of harassment and mistreatment were reported, such as cases of physical and psychological abuse, lack of medical care for other non-disability-related conditions, and underfunded facilities and infrastructure. Authorities continued the practice of placing persons with physical and mental disabilities in the same facilities and did not provide either group with specialized care. Approximately 15,000 persons with disabilities who lived in "psychoneurological" institutions were deprived of legal rights, and courts designated directors of these institutions as their legal guardians.

Public transportation was free to persons with disabilities, but the majority of subway stations in Minsk as well as the bus system were not wheelchair accessible. In 2017 the most recent year for which information was available, experts of the NGO ACT released a monitoring report indicating that 3.3 percent of all educational institutions across the country were accessible to persons with disabilities, including with vision and hearing disabilities, and most of these facilities were recently constructed.

Persons with disabilities, especially those with vision and hearing disabilities, often encountered problems with access to courts and obtaining court interpreters. Women with disabilities often faced discrimination, including employment discrimination, claims they were unable to care for their children, and received worse medical services and care compared to the general population--especially in provincial medical institutions. Women with disabilities, as well as pregnant women whose children were diagnosed with potential disabilities in utero, reported that some doctors insisted they terminate their pregnancies. Pregnant women with disabilities face accessibility barriers at maternity clinics and hospitals.

### **Members of National/Racial/Ethnic Minority Groups**

Governmental and societal discrimination against Roma persisted. According to leaders of the Romani communities, security and law enforcement agencies

continued to arbitrarily detain, investigate, profile, and harass Roma, including by forcing fingerprinting, mistreating them in detention, and subjecting them to ethnic insults.

Official and societal discrimination continued against the country's 6,848 (according to the 2019 census) to 60,000 (according to Romani community estimates) Roma. The Romani community continued to experience marginalization, various forms of discrimination, high unemployment, low levels of education, and lack of access to social services. Roma generally held citizenship, but many lacked official identity documents and refused to obtain them.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

There were reports that authorities threatened and condoned violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. For example, according to the LGBTI rights group Makeout, on September 26, police detained a transgender man, Yauheni Velko, at a protest. While in transport, police insulted him on the basis of his gender identity. At the police station, security officials conducted a strip search and targeted him with gender-focused harassment and threats, including rape and death threats. Officials at the detention facility told relatives who knew he was at the facility that there were no men detained at the location, and therefore he was not present. Velko spent two days in detention and was tried and fined on September 28. Officers also confiscated his rainbow flag.

Consensual same-sexual conduct between adults is not illegal, but LGBTI discrimination was widespread, and harassment occurred. The law does not provide antidiscrimination protections to LGBTI individuals on the basis of their sexual orientation, gender identity or expression, or sex characteristics.

Societal discrimination against LGBTI activists persisted with the tacit support of the government, which either failed to investigate crimes or did so without recognizing it as a hate crime. For example, in December 2019 a Minsk district court sentenced a local resident on charges of grave hooliganism to 18 months in jail and ordered him to pay 5,400 rubles (\$2,210) in compensation to his victim Mikalai Kuprych. The perpetrator assaulted Kuprych, who suffered multiple facial injuries and bone fractures, after he reportedly saw Kuprych hugging friends. Although the perpetrator stated during the investigation that this was the prime

motive for his attack, the court refused to recognize anti-LGBTI sentiments as a motive.

The government allows transgender persons to update their name and gender marker on national identification documents, but these documents retain old identification numbers that include a digit indicating the individual's sex assigned at birth. Transgender persons reportedly were refused jobs when potential employers noted the "discrepancy" between an applicant's identification number and gender marker. Banks also refused to open accounts for transgender persons on the same grounds. Transgender men were issued military identification that indicated they had "a severe mental illness."

### **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy social stigma. According to local NGOs working with HIV and AIDS positive individuals and other groups at risk, HIV-infected individuals, especially drug users undergoing or having completed treatment, continued to face discrimination, especially at workplaces and during job interviews. For example, based on doctors' clinical reports, schools reportedly refused to employ HIV-positive individuals even when they were applying for jobs that did not involve contact with children. For example, in May an individual was barred from a building maintenance job under Ministry of Health instructions that restricted HIV-positive individuals from working with children.

The government continued to broadcast and post public-service advertisements raising awareness concerning HIV/AIDS and calling for greater tolerance toward persons infected with the virus.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Although the law provides for the rights of workers, except state security and military personnel, to form and join independent unions and to strike, it places a number of serious restrictions on the exercise of these rights. The law provides for the right to organize and bargain collectively but does not protect against antiunion discrimination. Workers who say they are fired for union activity have no explicit right to reinstatement or to challenge their dismissal in court, according to trade union activists.



The law provides for civil penalties against employers in the form of fines for violations of the freedom of association or collective bargaining. Fines against employers were not commensurate with penalties for other crimes related to civil rights. The government did not enforce the law, in part because the government and state enterprises violated the legal right of freedom of association.

The government severely restricted independent unions. The government-controlled Federation of Trade Unions of Belarus (FTUB) is the largest union federation, claiming more than four million members, to whom it provides benefits. The Belarusian Congress of Democratic Trade Unions (BKDP), with four constituent trade unions, made up of approximately 10,000 workers, was the largest union umbrella organization not affiliated with the government. The BKDP, however, did not represent the majority of workers at any of the country's largest state employers. Tight government control over registration requirements and public demonstrations made it difficult for the BKDP to organize and operate, or conduct strikes.

The government did not respect freedom of association and collective bargaining. Prohibitive registration requirements, mandating that any new union unaffiliated with the government have a large membership and cooperation from state employers, continued to present significant obstacles to independent union formation. Trade unions may be deleted from the register by a decision of the registrar, without any court procedure. The registrar may remove a trade union from the register if, following the issuance of a written warning to the trade union that it is violating legislation or its own statutes, the violations are not corrected within a month. Authorities continued to resist attempts by workers to leave the official union and join the independent one, but workers reportedly increasingly left the FTUB without joining the BKDP for political reasons following the August 9 presidential election. The government restrictions on freedom of association made it difficult for independent trade unions to participate in collective bargaining. Authorities require a single labor union position ahead of bargaining, which at state enterprises where the BKDP is present requires both labor organizations to collaborate in collective bargaining. Labor activists reported, however, that this benefited the BKDP because agreements negotiated with the participation of independent unions were more favorable to workers than those agreements solely negotiated by the FTUB.

The requirements to conduct a legal strike are high. For example, strikes may only be held three or more months after dispute resolution between the union and

employer has failed. The duration of the strike must be specified in advance. In addition a minimum number of workers must continue to work during the strike. Nevertheless, these requirements were largely irrelevant, since the unions that represented almost all workers remained under government control. Government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements. Management and local authorities blocked worker attempts to organize strikes on many occasions by declaring them illegal.

Some union members who participated in political protests, which authorities generally considered unauthorized mass events, were detained, and a smaller percentage of politically active workers lost their jobs. Despite government pressure, after the August 9 election, some workers protested and attempted to organize strikes, but a majority of workers did not because of the extreme pressures authorities put on them and potential strike leaders. Government pressure included making examples of strike leaders by putting them in jail, subjecting them to physical violence, firing them, detaining or fining workers who discussed conducting strikes, refusing to renew employment contracts of workers involved in strikes, and applying psychological pressure in the form of threatening workers with the removal of parental rights over their children and stressing the impact lost wages would have on their children and families. In August and September, the inability to convince a majority of workers to hold a general strike led significant minorities of workers at large state-owned factories to conduct work-to-rule action as a sign of protest.

Workers encountered politically related pressure. For example, on October 1, the state-owned enterprise Belarusian Steel Works (BMZ) informed an employee who had taken part in a spontaneous anti-Lukashenka rally at the factory in August that the company would not extend his employment contract upon its expiration on November 4. BMZ managers had reportedly previously promised that no one would be punished for participating in the political rally, but police afterward sentenced the worker and another colleague to 12 days in jail for allegedly participating in an unauthorized mass event. The worker had worked at BMZ for 20 years.

The Law on Mass Events also seriously limited demonstrations, rallies, and other public action, constraining the right of unions to organize. No foreign assistance may be offered to trade unions for holding seminars, meetings, strikes, pickets,

etc., or for “propaganda activities” aimed at their own members, without authorities’ permission.

Government efforts to suppress independent unions included frequent refusals to extend employment contracts for members of unions unaffiliated with the government and refusals to register independent unions. According to BKDP leader Alyaksandr Yarashuk, the only registration of a nongovernment union since 1999 occurred in 2019 when authorities approved the third registration application of a branch of the independent trade union of miners, chemical, oil refinery, energy, transport, construction industries, and other workers in Salihorsk. The registration followed the restructuring of the state-owned potash fertilizer producer Belaruskali, which established a number of separate subsidiaries, and workers wanted to keep their membership in the BKDP’s labor unions. Authorities attempted to pressure or fire workers who were deemed protest or strike leaders, or became involved in opposition political activities.

During the year the BKDP-affiliated Radio and Electronics Trade Union chairman Genadz Fedynich and chief accountant Ihar Komlik remained under house arrest following their 2018 conviction for allegedly evading taxes and sentence to four years of house arrest. The court also banned the trade unionists from holding any administrative positions for five years. In 2018 the Minsk City Court dismissed their appeal. In May 2019 Fedynich’s house arrest was slightly eased, and a November 2019 presidential amnesty law reduced the sentences of both Fedynich and Komlik by a year to 2021.

Most contracts at state enterprises are one-year contracts. State employees, who constituted approximately 70 percent of the workforce, may have contracts with terms of up to five years, but most contracts expire after one year. The BKDP and NGOs alleged this practice gave the government, through state employers, the ability to fire state employees by declining to renew their contracts. Some state employees (including medical professionals) who protested against the government’s COVID-19 response or participated in protests against the government’s handling of the election reportedly were not rehired. Members of nongovernment-affiliated unions, political parties, and civil society groups lost their jobs due to one-year contracts lapsing. A government edict provides the possibility for employers to sign open-ended work contracts with an employee only after five years of good conduct and performance by the employee. Longer contracts, however, reportedly also restrict the ability of employees to leave for other jobs. Workers are generally protected during the terms of their contracts.

Opposition political party members and democratic activists sometimes had difficulty finding work at state-affiliated employers due to government pressure on these employers.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, with the exception of court rulings that may require work or services as part of a sentence, and which may include penal labor.

Parents who have had their parental rights stripped and are unemployed or are working but fail to compensate state child-care facilities for the maintenance of their children, may be subject to forced employment by court order. Individuals who refuse forced employment may be held criminally liable and face community service or corrective labor for a period of up to two years, imprisonment for up to three years, or other freedom restrictions, all involving compulsory labor and garnishment of 70 percent of their wages to compensate for expenses incurred by the government.

Minsk authorities required officially registered unemployed individuals to perform paid community service one day a month. Individuals who performed fewer than 12 working days of paid community service during a year were prohibited from receiving some unemployment benefits. Individuals with disabilities, single parents, and parents of three or more children, as well as parents of children with disabilities and younger than 18 were exempt.

Regulations against forced labor were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal. Penalties for violations were commensurate with those of other serious crimes.

Belarus largely served as a source country for labor trafficking. Aside from border restrictions enacted during COVID-19, Belarusians were able to freely travel to and work in Russia, reportedly the largest destination country. Compared to NGOs, the government rarely identified victims of labor trafficking, and prosecution of those responsible for forced labor remained minimal. NGOs in 2019 identified 59 labor trafficking victims, compared with the government's three. Authorities reportedly did not recognize claims by Belarusians who returned from Russia and complained they had endured forced labor there. Government efforts to prevent and eliminate labor trafficking did not improve during the year.

There were no reported examples of government reprisals identified against individuals who abstained from community activities during the year (commonly called “subbotniks”). According to a media report, however, workers at a state-run hospital expressed fear of reprisals in the form of withholding wages if they failed to participate.

Former inmates stated their monthly wages were as low as three to four rubles (\$1.50 to \$2.00). Senior officials with the General Prosecutor’s Office and the Internal Affairs Ministry stated in 2015 that at least 97 percent of all work-capable inmates worked in prison as required by law, excluding retirees and persons with disabilities, and that labor in prison was important and useful for rehabilitation and reintegration of inmates.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 16. Children as young as 14 may conclude a labor contract with the written consent of one parent or a legal guardian. The Prosecutor General’s Office is responsible for enforcement of the law. Persons younger than 18 are allowed to work in nonhazardous jobs but are not allowed to work overtime, on weekends, or on government holidays. Work may not be harmful to children’s health or hinder their education.

The government generally enforced these laws and penalties for violations were commensurate with those of other serious crimes.

### **d. Discrimination with Respect to Employment and Occupation**

There is no penalty for discrimination in general. The Labor Code prohibits employer discrimination only when employers refuse to hire a person who was referred by the government Labor, Employment, and Social Welfare agency as part of a quota system. In these cases the government may charge the employer with a civil penalty if the discrimination was on the basis of the person’s race, age, gender, language, political or religious beliefs, membership in a trade union, social status, or place of residence. The government did not effectively enforce this law.

Discrimination in employment and occupation occurred with respect to ethnicity, gender, disability, language, sexual orientation and gender identity and expression, and HIV-positive status (see section 6). In addition some members of the Romani community complained that employers often discriminated against them and either refused to employ them or did not provide fulltime jobs. The government did not take any action during the year to prevent or eliminate employment discrimination. Employment discrimination happened across most economic sectors and in both private and public workplaces.

The law requiring equal pay for equal work was not regularly enforced, and in July 2019 the country's National Statistics Committee reported that average salaries for women were 27.3 percent less than salaries for men.

The government maintained a list of 181 “physically demanding” jobs “in hazardous or dangerous conditions” that women are not permitted to occupy. Women are also unable to work in all the same employment sectors as men. Very few women were in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Although the law grants women the right to three years of maternity leave with assurance of a job upon return, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant.

A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them. Local NGOs reported that up to 85 percent of persons with disabilities were unemployed. Authorities provided minimal welfare benefits for persons with disabilities. Pension calculations should consider disability status under the law, however, authorities were not always willing to provide higher pensions warranted by disability status. Members of the country's Paralympic teams received half the salaries and prize money of athletes without disabilities.

#### **e. Acceptable Conditions of Work**

As of October 1, the national minimum monthly wage exceeded the poverty line.

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. The law provides for mandatory overtime and nine days of holiday pay and restricts overtime to 10 hours a week, with a maximum of 180 hours of overtime each year.

The government did effectively enforce minimum wage and overtime laws and penalties for violations were commensurate with those for other similar crimes. In June, Labor and Social Protection Minister Iryna Kastevich noted that the ministry was monitoring companies and organizations for compliance with employee dismissal regulations during COVID-19. Kastevich reported the volume of total working hours fell since the start of the pandemic, as employers attempted to keep workers employed by shortening working hours or placing persons on leave. Government COVID-19 support reportedly largely went to state enterprises, who received financial support such as loans, rather than workers or the private sector.

The State Labor Inspection Department at the Labor and Social Welfare Ministry was responsible for enforcement of wages, overtime, workplace safety, and worker health. The law establishes minimum conditions for workplace safety and worker health, but employers did not always follow these standards or require workers to wear minimal safety gear. The state labor inspectorate lacked authority to enforce employer compliance and often ignored violations. Although inspectors could make unannounced inspections, the number of inspectors was insufficient to enforce compliance. Penalties for occupational safety and health violations were not commensurate with those for other similar crimes.

The law provides workers the right to remove themselves from situations that endanger health or safety without jeopardizing their employment. According to the State Labor Inspection Department of the Labor and Social Welfare Ministry, employees have the right to refuse to perform work if they are not provided with personal protective equipment that directly ensures labor safety. The list of required personal protective equipment was approved by the ministry. In order to refuse to perform assigned work due to a lack of equipment, an employee must inform the employer or an authorized official of the reasons for refusal in writing.

According to the latest data, authorities reported 2,042 workplace injuries and 141 deaths in 2019, compared with 2,115 injuries and 144 deaths in 2018.

The State Labor Inspection Department maintained labor hotlines for each region and also provided separate contact details for matters associated with labor inspections, labor protection, and labor violations. The department also maintained a hotline for problems involving the illegal dismissal of workers.

Between June 7 and September 2, the State Labor Inspection Department released information highlighting typical violations of labor protection requirements in four areas: automotive and heavy machinery operation, electric and gas welding

equipment, earthworks and ground-level construction, and above-ground construction.

Independent experts reported the informal economy constitutes up to 30 percent of the total economy, which has a workforce of 4.5 million persons. The labor law does not cover informal workers.