

# **COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS**

# BELARUS

1 OCTOBER 2008

UK Border Agency COUNTRY OF ORIGIN INFORMATION SERVICE

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# 1. Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on *Belarus* has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 1 October 2008. It was issued on 13 October 2008.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UK Border Agency users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on [country] is also provided. Please note, this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service **UK Border Agency** Apollo House 36 Wellesley Road Croydon CR9 3RR United Kingdom

Email: <a href="mailto:cois@homeoffice.gsi.gov.uk">cois@homeoffice.gsi.gov.uk</a> Website: <a href="http://www.homeoffice.gov.uk/rds/country">http://www.homeoffice.gov.uk/rds/country</a> reports.html

# ADVISORY PANEL ON COUNTRY INFORMATION

- vii The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on UKBA's COI Key Documents, COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at <u>www.apci.org.uk</u>
- viii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of

This COI Key Documents contains the most up-to-date publicly available information as at 1 October 2008. Older source material has been included where it contains relevant information not available in more recent documents.

a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Key Documents, COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html

ix Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

## Advisory Panel on Country Information:

Email: <u>apci@homeoffice.gsi.gov.uk</u> Website: <u>www.apci.org.uk</u>

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# 2. Background information on Belarus

Full Country Name: The Republic of Belarus Area: 207, 600 sq. km **Population:** 9,724,723 (July 2007 est.) **Capital City:** Minsk (population 1.8m) **People:** Belarusian (77.9%), Russian (13.2%), Polish (4.1%), Ukrainian (2.9%), other (1.9%)Languages: Belarusian and Russian, are the official national languages. Religions: Eastern Orthodox Christian (80%), Roman Catholic, other (incl. Protestant, Jewish and Muslim) Currency: Belarusian rouble (BRb) Major Political Parties: Agrarian Party (AP); Belarusian Labour Party (BLP) (unregistered); Belarusian Popular Front (BPF); Belarusian Social Democratic Party 'Hramada'; Communist Party of Belarus (CPB); Conservative Christian Party of the BPF; Party of Communists of Belarus; United Civic Party (UCP); Liberal Democratic Party (LDP). **Government:** Presidential Republic Head of State: Alexander Grigoryevich Lukashenko Prime Minister/Premier: Sergei Sidorsky Foreign Minister: Sergei Martynov (Foreign and Commonwealth Office (FCO) Country Profile, 27 June 2008) [4a]

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# **GEOGRAPHY**

The FCO Country Profile on Belarus, updated 27 June 2008, noted: "Belarus is a landlocked country in Eastern Europe and borders Latvia, Lithuania, Poland, Russia and Ukraine. The terrain is mostly low-lying with forests and flat marshes. The climate is continental: cold winters, warm and humid summers." [4a]

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#### ΜΑΡ



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# **RECENT HISTORY**

The CIA World Factbook, last updated 30 September 2008, stated:

"After seven decades as a constituent republic of the USSR, Belarus attained its independence in 1991. It has retained closer political and economic ties to Russia than any of the other former Soviet republics. Belarus and Russia signed a treaty on a twostate union 8 December 1999 envisioning greater political and economic integration. Although Belarus agreed to a framework to carry out the accord, serious implementation has yet to take place. Since his election in July 1994 as the country's first president, Alexandr Lukashenko has steadily consolidated his power through authoritarian means. Government restrictions on freedom of speech and the press, peaceful assembly, and religion continue." [10a]

The Freedom House Freedom in the World Report 2008 – Belarus (Freedom House Report 2008), published on 2 July 2008, stated:

"A 1996 referendum, highly criticized by domestic monitors and the international community, adopted constitutional amendments that extended Lukashenka's term through 2001, broadened presidential powers, and created a new bicameral parliament (the National Assembly). In October 2000, Belarus held deeply flawed elections to the Chamber of Representatives, the parliament's lower house. State media coverage of the campaign was limited and biased, and approximately half of all opposition candidates were denied registration. Following a boycott by seven opposition parties, only three opposition candidates were elected." [26a]

The same report continued:

"Lukashenko won a controversial reelection in September 2001 amid accusations by former security service officials that the president was directing a government sponsored death squad aimed at silencing opponents. Four politicians and journalists who had been critical of the regime disappeared during 1999 and 2000. Western observers judged the election to be neither free nor fair. On election day, Lukashenka declared himself the victor with 75 percent of the vote, while opposition candidate Uladzimir Hancharyk was credited with 15 percent. However, independent nongovernmental exit polls showed that Lukashenka had received 47 percent of the vote and Hancharyk 41 percent, an outcome that by law should have forced a second round. By 2002, Lukashenka had launched a campaign of political retribution against those who had opposed him during the presidential campaign." [26a]

The Foreign and Commonwealth Office (FCO) Country Profile on Belarus, updated on 27 June 2008, noted:

"Lukashenko was due to leave office in 2006. However, in another heavily manipulated referendum, which was held parallel to the parliamentary elections of 17 October 2004, Lukashenko secured overwhelming support to amend the Constitution, removing the two term Presidential limit. The concurrent elections were judged not to meet international standards. Of the 110 seats contested, all were won by pro-government candidates. The Office for Democratic Institutions and Human Rights (ODIHR), which deployed a full Election Observation Mission, concluded in its initial findings that the elections 'fell significantly short of the Organisation for Security and Cooperation in Europe's (OSCE) standards for democratic elections'. It went on to say that universal principles and constitutionally guaranteed rights of expression, association and assembly were seriously challenged, and the dominant influence of the State administration was apparent throughout the organisation of the election processes." [4a]

The Freedom House Report 2008 recorded that:

"Ukraine's Orange Revolution, unfolding only five weeks after the Belarusian constitutional referendum, raised the regime's concerns that a similar protest movement could occur in Minsk. Lukashenka boosted the law enforcement agencies in 2005 and purged their ranks of potential dissenters. Amendments to the Law on Interior Troops introduced in February 2005 allowed for the discretionary use of firearms against protesters on orders from the president." [26a]

The Foreign and Commonwealth Office (FCO) Country Profile on Belarus, updated on 27 June 2008, stated:

"Belarus' Presidential election on 19 March 2006 was characterised by massive fraud and intimidation of the opposition. Lukashenko was declared the winner with 83% of the vote. The OSCE's election observation mission called the elections 'severely flawed due to the arbitrary use of State power and restrictions on basic human rights." [4a]

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## **RECENT EVENTS AND POLITICAL DEVELOPMENTS**

In March 2008 the US Ambassador left the "country indefinitely after Belarus ask[ed] her to leave. Belarus withdrew its own ambassador from Washington the previous week in a row over US sanctions." During April "Belarus refus[ed] to release former presidential candidate Alexander Kozulin, imprisoned on charges of organising protests against the 2006 election. The US and European Union [had] made release of political prisoners a condition for improving relations [with Belarus]." The continuing spat between the the US and Belarus resulted in 11 US diplomats being expelled in May 2008 over "US criticism of Belarus' human rights record." In June "Parliament pass[ed] [a] new media law that independent journalists [said would] restrict online reporting and private media funding ahead of the autumn parliamentary elections." (BBC News, 3 July 2008) [7b]

Following parliamentary elections held in the country on 28 September 2008, a BBC News online article dated 29 September 2008, reported:

"Opposition candidates in Belarus have failed to win any seats in the parliamentary elections, electoral officials say. All 110 seats went to pro-government candidates, the chief of the central elections commission said. The opposition says Sunday's vote was not legitimate, urging international observers not to recognise the outcome. The country's authoritarian President Alexander Lukashenko insists the poll was free and fair. He says he expects the election to lead to better relations between the former Soviet republic and the West. In a bid to appease his critics, the president ordered some opponents to be freed from prison and allowed about 70 opposition candidates to stand." [7c]

A further BBC News online article of 29 September 2008, noted:

"Parliamentary polls in Belarus – in which the opposition failed to win a seat – 'fell short' of international standards, European monitors say. However, the Organisation for Security and Co-operation in Europe (OSCE) said there were 'minor improvements' during Sunday's elections...OSCE monitors said in a statement that the vote 'was generally well conducted, but the process deteriorated considerably during the vote count'. They said they were denied full access to more than one-third of polling stations for the count and found 'several cases of deliberate falsification of results' at other locations." [7d]

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# Есолому

GDP: US\$44.77 billion (2007 est.)
GDP per capita: US\$10,600 (2007 est.)
Annual GDP Growth: 8.2% (2007 est.)
Inflation (Consumer Price Index): 8.4% (2007 est.)
Major Industries: machinery and equipment, mineral products, chemicals, metals, textiles, foodstuffs
Major trading partners (2007): Russia, Netherlands, UK, Ukraine, Poland, Latvia (CIA World Factbook, last updated 30 September 2008) [10a]
Exchange rate: 1 GBP = 3,688.39 Belarusian roubles; US\$1 = 2,122.92 Belarusian roubles (Xe.com Currency Converter, accessed 30 September 2008) [41]

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# **HUMAN RIGHTS**

## **OVERVIEW**

The USSD 2007 Country Report on Human Rights Practices in Belarus (USSD Report 2007), published on 11 March 2008, stated:

"The government's human rights record remained very poor and worsened in some areas as government authorities continued to commit frequent abuses. The government failed to account for past disappearances of opposition political figures and journalists. Prison conditions were extremely poor, and there were numerous reports of abuse of prisoners and detainees. Arbitrary arrests, detentions, and imprisonment of citizens for political reasons, criticizing officials, or for participating in demonstrations were common. Court trials occasionally were conducted behind closed doors without the benefit of independent observers. The judiciary branch lacked independence and trial outcomes were usually predetermined. The government further restricted civil liberties, including freedoms of press, speech, assembly, association, and religion. The government seized published materials from civil society activists and closed or limited the distribution of several independent newspapers. The few remaining independent publications often were fined, usually for alleged libel or for not following restrictive registration procedures. State security services used unreasonable force to disperse peaceful protesters. Nongovernmental organizations (NGOs) and political parties were subjected to harassment, fines, prosecution, and closure. Religious leaders were fined, imprisoned or deported for performing services, and churches were either closed, deregistered, or had their congregations evicted. Trafficking in persons remained a significant problem, although some progress was made to combat it." [2a]

Amnesty International's 2008 Report - Belarus, published on 28 May 2008, stated:

"The clampdown on civil society by the government continued. Any form of public activity not sanctioned by the state, including religious worship, was liable to prosecution and rights to freedom of expression, association and assembly were disregarded. Opposition activists were given long prison sentences for the peaceful expression of their views, or activists were harassed and prosecuted under the administrative code for lesser offences and fined or detained for short periods. Human rights and opposition organizations faced considerable difficulties in registering and activists were prosecuted for acting in the name of unregistered organizations. Belarus remained the only country in Europe still executing prisoners." [11a]

The Human Rights Watch World Report 2008 – Belarus, published on 31 January 2008, (HRW Report 2008) noted that: "The Belarusian authorities' repressive grip on political and media freedom intensified after the March 2006 presidential election, which was considered by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, United Nations Human Rights Council (HRC), the US, and the EU to have failed to meet international standards for free and fair elections. Opposition leaders and activists remained behind bars, and the authorities continue to beat, detain and intimidate civil society groups, making it difficult for them to function." [5a]

And the Freedom House Report 2008 noted in regard to civil and political rights generally that:

- "Belarus is not an electoral democracy. Serious and widespread irregularities have marred all recent elections."
- The Government lacked transparency and was ranked 150<sup>th</sup> out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index
- The Government systematically repressed press freedom
- Though all religions are equal before the law government regulation restricted the life and work of religious groups
- Academic freedom was subject to "intense state ideological pressures"
- Freedom of assembly of independent groups was limited; freedom of association was "severely restricted"
- The judiciary was subject to "significant government influence" and the right to fair trial was "not respected in cases with political overtones"
- An internal passport system limited freedom of movement and choice of residence. [26a]

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## **Political rights**

Belarusians are, in law, entitled to change their government peacefully, however the Government denied its citizens this right. The

"Constitution allows the president to issue decrees, a provision Aleksandr Lukashenko has interpreted broadly to effectively undermine the rule of law...Since his election in 1994 to a five-year term as the country's first president, Lukashenko has consolidated power steadily in the executive branch and dominated all branches of government. Referenda in 1996 and 2004 amended the constitution to broaden his powers and extend his term in office. In March 2006 Lukashenko gained a third term in office through a fraudulent presidential election. In January [2007] Lukashenko consolidated his rule through local elections that failed to meet international standards." (USSD, 11 March 2008) [2a] (Section 3)

The HRW Report 2008 recorded that:

"Political opposition groups are not illegal in Belarus, but authorities make it almost impossible for them to operate. Registration is obligatory but frequently denied for arbitrary and unfounded reasons. In 2007 dozens of opposition activists were beaten and arrested for a variety of trumped-up misdemeanors and criminal offenses...When opposition leader Alexander Milinkevich organized a European March in October [2007] to show Belarus' commitment to become closer to Europe, more than 50 opposition activists were detained in advance. Among them was the leader of the United Civic Party in the Homiel region, who was sentenced to seven days in jail allegedly for using obscene language in public." [5a]

The Freedom House Report 2008 stated:

"As a result of the concentration of power in the hands of the president, political parties play a negligible role in the political process. Opposition parties have no representation in the National Assembly, while propresidential parties serve only formal functions. In 2007, the authorities threatened to revoke the registration of opposition parties that were planning to compete in the 2008 parliamentary elections. The January 14, 2007 local elections failed to give voters a choice, and the opposition declared that the outcome was falsified. There was minimal public participation." [26a]

The same source also observed that:

"The regime continued to harass its opponents throughout 2007. The strategy seemed to be to jail opposition leaders while intimidating rank-and-file members with fees and warnings. The authorities particularly cracked down on the Youth Front, whose leader, Zmitser Dashkevich, was sentenced to 18 months in jail in November 2006. Repeated attempts to register the group have failed, meaning activists face up to two-year prison terms for participating in its operations. Many members were given short jail sentences and other punishments for taking part in unauthorized demonstrations and gatherings, such as book readings and distributing illegal literature." [26a]

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#### Human rights defenders

The USSD Report 2007 noted with regard to Non-Governmental Organisations (NGOs) that:

"Several domestic human rights groups were active in the country; however, authorities hindered their efforts to investigate alleged human rights violations. Authorities monitored NGO correspondence and telephone conversations and harassed NGOs with frequent inspections and threats of deregistration. The government ignored reports issued by human rights NGOs and rarely met with these groups. Official government media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subjected to closure and harassment.

"The government has officially closed (deregistered) most major human rights NGOs and NGO resource centers under a variety of pretexts, which independent observers viewed as politically motivated. Many of the closures were based on a 2005 law that allows authorities to close an NGO after just one government warning about violations of the law." [2a] (Section 4)

The HRW Report 2008 stated:

"Only five human rights organizations remain registered in Belarus: the Belarusian Association of Journalists, Society for the Belarusian Language, Belarusian PEN Center, Belarusian Helsinki Committee, and Pravavaia Initsiativa (Legal Initiative). The authorities continually seek to intimidate and control these groups, including by penalizing them for association with unregistered organizations. Other human rights groups continue to operate without registration; their attempts to register legally are repeatedly denied." [5a]

The Observatory for the Protection of Human Rights Annual Report 2007, published 19 June 2008, stated:

"In 2007, the Belarusian authorities continued to refuse the registration of human rights organisations, thus maintaining them in a situation of illegality. This considerably reduces the scope of these organisations and compromises their effectiveness. Moreover, the absence of registration leaves open the possibility that members of these NGOs be threatened with criminal prosecution at any time for 'working within the framework of an unregistered organisation' (Article 193 of the Criminal Code)...The year 2007 has been marked by the use of a new method of repression against human rights defenders: preventive arrests of supporters on the eve of protests, followed by short-term sentences of detention, which seriously hampered their activities in observing these events." [28a] (p 241-244)

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## Freedom of speech and media

The law provides for freedom of speech but the Government prohibited this in practice. (USSD, 11 March 2008) [2a] (Section 2a) The same source continued

"On April 12 [2007], during a press conference, President Lukashenko stated that control of radio and television stations remains a high priority for the government and that private stations would not be allowed to operate in the country... Individuals could not criticize the government publicly without fear of reprisal, and authorities impeded criticism of the government by videotaping political meetings, conducting frequent identity checks, and other forms of intimidation. The law also limits freedom of expression by prohibiting the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the government or public order.

"The law limits the freedoms of speech and assembly by criminalizing actions such as giving 'false' information about the political, economic, social, military, or international situation of the country to a foreigner; providing information on government agencies or the rights of citizens; participating in the activities of unregistered NGOs and in public demonstrations; training people to demonstrate publicly; financing public demonstrations; and soliciting foreign countries or international organizations to 'act to the detriment' of the country. Violations are punishable by up to three years in prison." [2a] (Section 2a)

The USSD Report 2007 also noted that the Government harassed and arrested journalists, and censored the media frequently imposing

"heavy fines on journalists and editors for criticizing the president and his supporters, and many publications were forced to exercise self-censorship. Authorities fined, warned, or jailed members of the media who publicly criticized the government. The libel law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report." [2a] (Section 2a) The HRW Report 2008 noted "The government continues to tightly control the media. There are no independent television or radio stations. The authorities monitor the Internet, and politically sensitive sites are often temporarily shut down. Several privately-owned newspapers are printed in Russia because local, state-run printing companies are not permitted to print material that 'discredits Belarus' by 'fraudulent representation' of developments in the country." [5a]

And the Freedom House Report 2008 observed:

"The Lukashenka regime systematically curtails press freedom. The Committee to Protect Journalists listed Belarus as one of the most 10 censored countries in the world in May 2006. Libel is both a civil and criminal offense. State media are subordinated to the president, and harassment and censorship of independent media are routine. Belarusian national television is completely under the control and influence of the state and does not provide coverage of alternative and opposition views. The State Press Committee issues warnings to publishers for unauthorized activities such as distributing copies abroad or reporting on unregistered organizations; it can also arbitrarily shut down publications without a court order. The news bulletins and daily playlists of all FM radio stations are censored. The state-run press distribution monopoly refused in November 2005 to continue the distribution of most of the company's independent newspapers." [26a]

The Committee for the Protection of Journalists, in an article of 5 August 2008, stated:

"...President Alexander Lukashenko has signed a restrictive new media law, which, according to CPJ research, will allow authorities to further restrict press freedom in Belarus...Among other provisions, the law equates the Internet with regular media, making sites subject to the same restrictions...Aside from Internet control, the new media law also requires Belarusian and international journalists to seek individual accreditation from multiple state agencies, creating further hurdles. It also obliges Belarusian media to seek re-registration from state authorities - a process that could be fatal for outlets critical of state officials. Additionally, under the new law, the Ministry of Information receives broad authority to suspend media outlets; the ministry and state prosecutors are given the authority to shut down outlets permanently. These state agencies can suspend or close the outlets if they find their content to be inaccurate, defamatory, 'not corresponding to reality', or 'threatening the interests of the state or the public'. The bill leaves the interpretation of these terms in the hands of state authorities." [9b]

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## **Religious freedom**

The HRW Report 2008 noted:

"The Belarusian constitution provides for freedom of religion, but the government makes it difficult for religious institutions other than those affiliated with the Belarusian Orthodox Church to practice. The authorities often refuse to register spaces where religious organizations convene, choosing a strict interpretation of the housing code, therefore making such gatherings illegal, and have fined, threatened, and detained several religious leaders for holding religious services in 'unauthorized' spaces. More than 25 foreign Catholic and Protestant clergy were expelled from Belarus between the summers of 2006 and 2007 for allegedly 'posing a threat to national security'." [5a]

The US State Department Report on International Religious Freedom 2008, Belarus, published on 19 September 2008, noted:

"The government continued to restrict religious freedom in accordance with the provisions of a 2002 law on religion and a 2003 concordat with the Belarusian Orthodox Church (BOC), a branch of the Russian Orthodox Church (ROC) and the only officially recognized Orthodox denomination. Although there is no state religion, the concordat grants the BOC privileged status. Protestants in particular attracted negative attention. Authorities kept many religious communities waiting as long as several years for decisions about registration or property restitution. Authorities harassed and fined members of certain religious groups, especially those regarded as bearers of foreign cultural influence or as having a political agenda. Foreign missionaries, clergy, and humanitarian workers affiliated with churches faced many government-imposed obstacles, including deportation and visa refusal or cancellation. Restrictions on foreign clergy increased during the reporting period." [2b]

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# 3. Index to key source documents

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