

# Belarus

	2014	2015		
<b>Internet Freedom Status</b>	<b>Not Free</b>	<b>Not Free</b>	<b>Population:</b>	<b>9.5 million</b>
Obstacles to Access (0-25)	15	15	<b>Internet Penetration 2014:</b>	<b>59 percent</b>
Limits on Content (0-35)	20	21	<b>Social Media/ICT Apps Blocked:</b>	<b>No</b>
Violations of User Rights (0-40)	27	28	<b>Political/Social Content Blocked:</b>	<b>Yes</b>
<b>TOTAL* (0-100)</b>	<b>62</b>	<b>64</b>	<b>Bloggers/ICT Users Arrested:</b>	<b>Yes</b>
			<b>Press Freedom 2015 Status:</b>	<b>Not Free</b>

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- In late December 2014, the Belarusian government passed amendments to the Media Law and other legal measures that significantly expanded the authorities' ability to restrict critical online content, including imposing intermediary liability for illegal content posted online and the ability to block websites without court authorization (see **Blocking and Filtering and Content Removal**).
- The government increased blocking of independent media websites to limit citizens' access to objective information about domestic and foreign developments (see **Blocking and Filtering**).
- The authorities stepped up their persecution of independent journalists reporting online, particularly through administrative charges against freelance or unaccredited journalists (see **Media, Diversity, and Content Manipulation and Prosecutions or Detentions for Online Activities**).
- In February 2015, the government issued a directive restricting the use of Tor and other anonymizing tools, announcing their intention to block access to anonymizers and circumvention tools (see **Surveillance, Privacy and Anonymity**).

## Introduction

In 2014-2015, as the internet became an increasingly important source of information for millions of citizens, the Belarusian government stepped up their efforts to control and manipulate online content. Amendments to an already restrictive Media Law and several other directives gave the government significantly greater legal grounds to limit citizens' access to information on the internet and to stifle critical voices online. Most of the legal changes moved the decision-making mechanisms for censorship from the judicial to the executive branch, removing any right to appeal.

During the past year, the government employed a more comprehensive strategy to pressure online media and prevent citizen unrest related to economic woes and an upcoming election. In addition to passing new legislation, the authorities blocked leading news and information websites at different moments throughout the year. The government increased its persecution of independent and freelance journalists, launching more than 25 cases based on administrative charges against those publishing online. It also continues to employ targeted repression to limit online activism and foster self-censorship among online journalists.

At the same time, Russia stepped up its efforts to manipulate media content in Belarus in the wake of its invasion of Ukraine and as part of its information campaign that targets the "Russian World." Russian propaganda and misinformation have a particularly pernicious impact in Belarus because the Russian language and Russia-based websites dominate Belarus' online space.

Nevertheless, more Belarusians are moving online and obtaining more news and information from independent websites. Greater and more effective online activism led to increasing numbers of the population participating in and learning about civil society. Activists made further progress in turning online actions into offline initiatives. Despite additional government control and pressure, Belarus' journalists and activists continued to expand their vibrant and diverse online presence.

## Obstacles to Access

*Despite several years of economic stagnation and a downturn at the end of 2014, the Belarusian government continued to invest heavily in the country's internet and ICT infrastructure. The Measuring the Information Society 2014 Report of the International Telecommunication Union (ITU) found Belarus to be among the world's most dynamic countries in terms of growth of households with internet access, household connectivity, households with a computer, and fixed and wireless broadband penetration. In terms of the ITU's ICT Development Index (IDI), Belarus climbed from 43rd place in 2012 to 38th in 2013, overtaking Russia as the country with the highest IDI in the Commonwealth of Independent States region.<sup>1</sup>*

## Availability and Ease of Access

The number of internet users in Belarus continues to grow. The ITU reported Belarus' internet penetration rate at 59 percent in 2014, compared to 54 percent in 2013 and just 27 percent in 2009.<sup>2</sup> The

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1 Development.by, "ITU Ranks Belarus as IDI Leader in CIS Region," November 27, 2014, <http://development.by/news/itu-belarus27-11-14.html>.

2 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2000-2014, <http://bit.ly/1FDwW9w>.

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independent organization Gemius reported that more than 5 million Belarusians—70 percent of the population aged 15 to 74—were accessing the internet by the end of 2014, indicating a growth of 66 percent over the last five years.<sup>3</sup> However, the major trend over the last two years has been an increase in daily users, rather than a pronounced growth of the overall online audience. In 2014, almost 73 percent of Belarusian internet users visited social media sites. At least 2.2 million Belarusians were using social networks by the start of 2014.<sup>4</sup>

Since 2010, the proportion of female internet users rose from 48.7 percent to 51.2 percent. The major divide in access is not between rural and urban populations—since some 75 percent of Belarusians live in urban areas—but between the country's capital and other regions. However, the share of internet users concentrated in the capital city of Minsk had decreased to 29 percent, and the number of users in towns and rural areas had risen to 39 percent, as of December 2014.<sup>5</sup>

More than half of Belarusian households have access to the internet from a home computer.<sup>6</sup> Some 97 percent of the country's companies are connected to the internet. More than two-thirds of Belarusian internet users go online using a high-speed connection. The government reported that 84 percent of households accessing the internet did so using broadband.<sup>7</sup> The fixed broadband subscriber base reached 2.7 million by the end of 2014, with service penetration at almost 30 percent.<sup>8</sup> This figure has increased rapidly since 2010, when Belarus had Europe's lowest level of high-speed access. Belarus has the highest fixed-broadband penetration in the CIS region, with over 3.6 million broadband ports available.<sup>9</sup>

As of January 1, 2015, Belarus had over 11 million mobile telephone subscribers with a total penetration rate of over 120 percent; the mobile network covered 99.8 percent of the country's population.<sup>10</sup> The share of smartphones in the mobile market is more than 30 percent.

Numbering only 1.8 million in 2011, the number of mobile internet access subscribers had grown to 4.3 million by 2014, with a penetration rate of about 46 percent.<sup>11</sup> By 2013, one in three subscribers were connecting to the internet via a mobile device.<sup>12</sup> More than 60 percent of Belarusian youth are reportedly using mobile internet. Nevertheless, only 6 percent of page views in Belarus are made via mobile phones or tablets.<sup>13</sup>

The state-run telecommunications conglomerate Beltelecom continued to expand the country's international internet gateway capacity, which increased from 450 to 770 Gbps in 2014.<sup>14</sup> As of May 2015, Ookla's Household Download Net Index ranked Belarus 52nd of 200 countries, with an average broadband download speed of 19.85 Mbps. The average broadband upload speed was 16.86 Mbps,

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3 Luke Richards, "Web trends in Belarus, Kazakhstan and Ukraine: stats," *Econsultancy* (blog), October 15, 2014, <http://bit.ly/1LS8Xjl>.

4 Simon Kemp, "Social, Digital & Mobile in Europe in 2014," *we are social* (blog), February 5, 2014, <http://bit.ly/1eXK85j>.

5 e-belarus, "Five Years of Belarusian Internet Audience," February 5, 2015, <http://www.e-belarus.org/news/201502051.html>.

6 National Statistical Committee, "Access of households to Internet from home computer," 2007-2013, <http://bit.ly/1KdpwVK>.

7 Belarus News Belarusian Telegraph Agency (BelTA), "Information and communication technology infrastructure improving in Belarus," September 30, 2014, <http://bit.ly/1LS6r2K>.

8 e-belarus, "Belarus telecom subscriber base hits 4.5 mln in 2014," February 21, 2015, <http://bit.ly/1GhLVq3>.

9 e-belarus, "Belarus telecom subscriber base hits 4.5 mln in 2014," February 21, 2015, <http://bit.ly/1GhLVq3>; Development.by, "ITU Ranks Belarus as IDI Leader in CIS Region," November 27, 2014, <http://bit.ly/1RMskQ3>.

10 e-belarus, "Belarus telecom subscriber base hits 4.5 mln in 2014."

11 e-belarus, "Belarus prioritizes innovation-driven development, information society," April 4, 2014, <http://bit.ly/1KdqkKq>.

12 Andrei Asfura, "Digital Growth Vitamins," *Economy of Belarus*, No. 2, 2013, 24, <http://bit.ly/1LS6Sdv>.

13 Gemius, *Consumers go mobile in CEE: Mobile market overview*, 2014, 6, <http://bit.ly/1qWeJg7>.

14 e-belarus, "Belarus telecom subscriber base hits 4.5 mln in 2014."

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which ranked 26th on the index. The mobile download and upload speeds, 8.8 Mbps and 3.3 Mbps respectively, were less impressive, ranking 65rd and 71st, but improved over the previous year.<sup>15</sup> According to Akamai, Belarus' average internet connection speed was 4.1 Mbps in the fourth quarter of 2014, compared to 2.55 Mbps in 2013.<sup>16</sup> In 2014, Beltelecom added 150,000 new Wi-Fi hotspots in Belarus. It now operates more than 300,000 throughout the country, of which 75,600 are in Minsk.<sup>17</sup>

The cost of broadband access via DSL and cable is generally tied to volume, reflecting the pricing structure that Beltelecom uses when selling bandwidth to downstream ISPs. Volume surcharges do not create a barrier for most users. Currently prices for unlimited internet access from Beltelecom are approximately \$5–\$45 per month for individuals, depending on the speed. Commercial clients pay about five times more.<sup>18</sup> While mobile phone and internet access prices in Belarusian rubles increased several times in 2013-2014, the amounts remained roughly the same in dollars due to Belarus' chronic inflation. Prices have not increased significantly since the beginning of 2014.

Internet access has become more affordable in Belarus, and the country's broadband value index has improved considerably. In June 2014, Belarusians were paying \$6.49 per Mbps (47th of 65 countries). By June 2015, the price had dropped to \$2.90 per Mbps, which was 27th in cost per Mbps but 47th when taking into account GDP per capita.<sup>19</sup> Mobile broadband is relatively cheaper than fixed broadband, which is still expensive for much of the population. However, both fall below the ITU's affordability threshold of five percent of household expenditure. Prices do not generally constitute a barrier to ICT uptake.<sup>20</sup> Nevertheless, the download speed in Belarus is lower than in neighboring countries and the cost of services is higher.

While Belarus has two official languages—Belarusian and Russian—the majority of citizens use Russian in daily life. In fact, Russian-language broadcast, print, and online outlets dominate Belarus' media and information spheres. As a result, a particular feature of the Belarusian internet is its domination by portals, services, and social media sites based in neighboring Russia. Only two or three Belarusian sites are in the top 10 most popular internet sites in Belarus.<sup>21</sup> Most Belarusian media consumers and internet users get their news and information in Russian from Russian sites. This situation has become more problematic since the Kremlin has ratcheted up its propaganda offensive in the wake of the Euromaidan protests and change of government in Ukraine, Russia's seizure and annexation of Crimea, and the Kremlin's support for the conflict in eastern Ukraine.<sup>22</sup> Most internet software used in Belarus is in Russian, although some popular software is also available in Belarusian, often due to translation by local enthusiasts.

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15 Ookla, *Net Global Index*, May 2015, <http://bit.ly/1VWR4uE>. For current figures, see <http://www.netindex.com/upload/2.80/Belarus>.

16 Akamai, "Average Connection Speed: Belarus," map visualization, *The State of the Internet Report*, June 6, 2015, <http://akamai.me/1LiS6KD>.

17 e-belarus, "Beltelecom internet base passed two million mark in 2014, paper says," February 18, 2015, <http://bit.ly/1VWRqBr>.

18 Ibid.

19 Ookla, "Belarus," *Net Global Index*.

20 Belarus ranked 6th in the Fixed-telephone sub-basket, 51st in the Mobile-cellular sub-basket, 48th in the Fixed-broadband sub-basket, and 26th in Mobile-broadband prices. See International Telecommunication Union, "ICT prices and the role of competition," in the *Measuring the Information Society Report 2014*, <http://bit.ly/1xrVMi8>.

21 Ryhor Astapenia, "How Russian Culture and Media Shape Belarusian Politics," *Belarus Digest*, February 6, 2014, <http://bit.ly/1GhMQXg>; Gemius, *Online Landscape: Russian speaking markets*, June 2014, <http://bit.ly/1RMtFX0>.

22 Artyom Shraibman, "Belarusian Authorities Unable to Resist Russian Propaganda," *Belarus Digest*, June 26, 2014, <http://bit.ly/1VWRUj>.

## Restrictions on Connectivity

The Belarusian government has not imposed restrictions on ICT connectivity or access to particular social media or communication apps permanently or during specific events. However, the authorities possess this capability, since the backbone connection to the international internet is centralized and is owned by the government.

Beltelecom and the National Center for Traffic Exchange, established by the government in 2011, remain the only entities permitted to handle connections with ISPs outside of Belarus. In 2012, the Center for Traffic Exchange replaced Beltelecom in providing access to the points of sharing national traffic (peering).<sup>23</sup> The Ministry of Communications has issued 180 licenses for secondary ISPs, though only about a third of these are currently active in Belarus. The Beltelecom subsidiary Belpak remains the largest ISP; through it, Beltelecom controls 84 percent of the Belarusian internet market.<sup>24</sup> While the government does not limit the amount of bandwidth that access providers can supply, all ISPs depend on the facilities of the state-owned Beltelecom, which allows the authorities to control access speeds for the entire country.

Two decades after its launch in 1994, the Belarusian domain zone (.by, often called the “BYnet”), has more than 116,000 registered domain names. By early 2014, it was the fastest growing country domain zone in Europe.<sup>25</sup> According to legislation passed in 2010, all legal entities operating in the “.by” domain must use Belarusian hosting services, though it is not clear how widely this regulation is enforced.

## ICT Market

By mid-2015, there were 64 internet service providers (ISPs) in the country.<sup>26</sup> However, the number of licensed providers has progressively declined since 2010.<sup>27</sup> The largest selection and best quality of internet access is available in Minsk, where some 38 companies offer access through ADSL, ethernet, cable TV, and mobile networks; smaller cities have fewer options.<sup>28</sup> However, all commercial providers must purchase internet access from Beltelecom, the state-owned telecommunications company. In this way, the government maintains control over the telecommunications market. In 2014 the government announced that the National Traffic Exchange Centre (NCOT) would also begin selling internet access to other providers; however, to date the NCOT has kept its prices in line with Beltelecom’s, effectively allowing Beltelecom to maintain its dominance over the market.<sup>29</sup>

Despite inflation and devaluation, prices for internet access in Belarus have remained stable. One possible reason for this price stability is Beltelecom’s alleged practice of flooding the market with

23 “National Center for Traffic Exchange replaced Beltelecom in providing peering services,” [in Russian], *TechOnliner*, April 3, 2012, <http://bit.ly/1GKgTIA>.

24 “Will you be telling me about dialogue?!” Belarusian Association of Journalists (BAJ) , February 15, 2013, <http://baj.by/en/node/19566>; OpenNet Initiative, “Belarus,” November 18, 2010, <http://bit.ly/1Le1nCt>; Henry Lancaster, *Belarus – Telecoms, Mobile, Broadband and Digital Media- Statistics and Analyses*, BuddeComm, October 8, 2015, <http://bit.ly/1Mlc3LS>.

25 BelTA, “Belarusian Internet domain zone growth fastest in Europe,” May 5, 2014, <http://bit.ly/1LxF7oH>.

26 See Providers, accessed June 24, 2015, <http://providers.by/by-providers>.

27 Mikhail Doroshevich and Marina Sokolova, “Internet: Infrastructure, users, regulation”, <http://e-belarus.org/article/yearbook2014.html>

28 See Providers, “in all cities of Belarus,” [http://providers.by/by-providers/?by\\_cities](http://providers.by/by-providers/?by_cities).

29 Vladimir Volkov, “Belarus on the Brink of Dumping War,” *Digital Report*, October 16, 2014, <http://digital.report/belarus-brink-dumping-war>.

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underpriced packages. The national operator has expanded its range of promotional deals, which lower prices for internet access by 50 percent for the general population. Experts speculate that Beltelecom is trying to eliminate competition from private operators.<sup>30</sup>

### Regulatory Bodies

There is no independent regulator overseeing ICTs in Belarus. There is strong state regulation and involvement in the telecommunications and media market. The Ministry of Communications founded Beltelecom in 1995 and continues to regulate the company, undermining regulatory independence. In addition, the Presidential Administration's Operations and Analysis Center (OAC), which was initially a subdivision of the State Security Committee (KGB), has the authority to oversee ISPs, conduct online surveillance, and manage Belarus' top-level domain (.by).<sup>31</sup> Other governmental bodies with authority over this sector include the State Telecommunications Inspectorate, the State Control Committee, the KGB, and the Prosecutor General's Office.

Last year, President Lukashenka instituted personnel changes regarding who oversees the internet. In June 2014, Minister of Information Aleh Pralyaskowski was dismissed. One independent analyst surmised that the decision was made because of his inability to reign in the independent online media and to counter it by improving the state-run online media.<sup>32</sup> In July 2014, Aliaksandr Bazanaw, the former director of the Presidential Administration's Information and Analytical Center, became deputy director of state-run Beltelecom. Bazanaw, who formerly headed the Information and Public Relations Center of the KGB, is now in charge of cooperation with government agencies.

### Limits on Content

*The Lukashenka government has been sporadically blocking websites since the 2001 presidential election. In 2014-2015, the government resorted to more blocking in an attempt to limit the spillover from the events in neighboring Ukraine and a worsening economic situation at home. New amendments to the 2008 Media Law, which came into effect on January 1, 2015, and other new acts, expanded the state's powers to block websites whose content threatens national interests and to hold the owners of media sites accountable for "illegal" content, such as extremist information. Additionally, the conflict between Russia and Ukraine has resulted in an increase in Russian propaganda and manipulation of content in the online sphere of Belarus and neighboring countries.*

### Blocking and Filtering

In 2014-2015, the Belarusian government passed amendments to the media law and other acts that expanded its powers to block websites deemed to be harmful to the state. As a result of these amendments, and in response to a worsening economic and international situation, website blocking increased during the past year. YouTube, Facebook, Twitter and international blog-hosting services remained freely available, however.

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<sup>30</sup> Ibid.

<sup>31</sup> "Instructions on the order domain names registration in the space of the hierarchical names of the national segment of the Internet network" at CCTLD, "The rules of organizing auctions," <http://bit.ly/1OlxrBI>.

<sup>32</sup> Tanya Korovenkova, "Information minister's dismissal holds little promise for media," BelaPAN, June 6, 2014, [http://en.belapan.com/archive/2014/06/06/en\\_706350\\_706351](http://en.belapan.com/archive/2014/06/06/en_706350_706351).

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On December 19, 2014, in the midst of an economic crisis, the Belarusian authorities announced a series of amendments to the 2008 Media Law that allow the Ministry of Information to treat online media in the same way it treats traditional media. The new amendments allow the Ministry to issue warnings, suspend, and file closure suits against online outlets. The Ministry can block access to online sites if two warnings have been issued within twelve months, and the scope for reasons to issue warnings has been expanded. The Ministry can order sites blocked without a warning for posts it deems illegal.<sup>33</sup> According to the bill, the owners of online resources are responsible for illegal content posted, including material considered to be extremist information or “other information that can harm national interests.” Additionally, online reports disputed by any person must be removed the next day and a refutation must be posted in its place. Online broadcast media are required to notify the Ministry at least two days in advance of plans to add or remove a show from their programming. This requirement can potentially be used to censor or block sensitive programs. Limits on foreign ownership of news outlets in Belarus, including online media, were tightened, from 30 to 20 percent.

In addition to their inherently restrictive nature, the amendments include a number of particularly problematic elements.<sup>34</sup> They expanded the types of information considered to be illegal by adding the phrase, “information, the distribution of which can harm national interests of the Republic of Belarus.” This phrase and other provisions are vaguely formulated, subject to broad interpretation, and can be used by officials to stifle critical media. Additionally, hosts can now be held accountable for all comments posted on their websites.<sup>35</sup> Whereas it was up to the courts to decide what internet posts were illegal, the amendments now empower officials to do so. There is no process for appeal. Minister Ananich made it clear that the amended law applied to all media websites accessible in Belarus, even foreign sites and those based abroad.<sup>36</sup>

The process of enacting the amendments was also flawed. The bill was not officially published for public discussion, and independent media experts were not consulted. The government rushed the amendments through parliament; both chambers approved the bill on December 17 and 19. It was only on December 19 that the bill appeared on the government’s legal website, Pravo.by. It was signed into law by President Lukashenka the next day. The amendments took effect on January 1, 2015. The amendments are seen by the OSCE Representative on Freedom of the Media and other media rights experts to pose a major threat to free speech.<sup>37</sup>

Belarus’ economy is tightly linked to that of neighboring Russia, and when Western sanctions and declining oil prices led to a devaluation of the Russian ruble, causing Russia’s economy to head into

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33 The updated subparagraph 1.3 of Article 38 specifies information illegal for distribution and reads the following, “information aimed at the propaganda of war, extremist activity or containing calls for such activity, pornography, violence and cruelty, as well as other information, the distribution of which can harm national interests of the Republic of Belarus or banned by this Law, and other legislative acts of the Republic of Belarus.”

34 For a critical analysis of the amendments, see Andrei Bastunets, “ANALYSIS of Amendments to Media Law,” BAJ, January 22, 2015, <http://bit.ly/1Le32bb>.

35 Anastasiya Salanovich, “Minister warns of crackdown on websites for “incorrect” comments on message boards,” BelaPAN, January 19, 2015, <http://bit.ly/1Rf2y68>.

36 Alyaksey Areshka, “Restrictive measures can be equally applied to all news sites accessible in Belarus, information minister says,” BelaPAN, January 19, 2015, <http://bit.ly/1Rf2y68>.

37 Organization for Security and Co-Operation in Europe (OSCE), “New regulation and recent blockings threaten free speech on Internet in Belarus, says OSCE Representative,” press release, December 22, 2014, <http://bit.ly/1QAuUb4>; Committee to Protect Journalists, “Belarus adopts restrictive media law amendments, blocks websites,” December 23, 2014, <https://cpj.org/x/5e76>; Reporters Without Borders, December, “Belarusian authorities impose alarming Internet controls,” May 19, 2015, <http://bit.ly/1G9BWmW>; Official version of amendments at: “Amendments to the Law on Media,” [in Russian] December 21, 2014, <http://bit.ly/1QAuqFT>.

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a recession, Belarus' economy followed suit. As Belarusians began losing confidence in their currency in late 2014, the Belarusian government responded to the crisis by blaming the independent media. Three days after the amendments to the Media Law were passed, Minister of Information Liliya Ananich summoned representatives of non-state and state media to warn them against "inciting panic" regarding a currency collapse. She suggested that all media outlets should work for the good of the country, warning that if they did not, they could be closed down.<sup>38</sup>

To make its point and preempt public unrest, the government moved to block two types of websites on December 19-20. The Ministry of Trade blocked and ordered the closure of the e-commerce and news platform Onliner.by, the country's largest online shopping portal and one of its top 10 most popular websites with over 350,000 daily visitors. Simultaneously, the Ministry blocked and legally suspended the operation of 13 other online stores.<sup>39</sup> Four more were shut down on December 22. By the end of 2014, some 30 e-commerce shops had been blocked and ceased operations. The sites were accused of violating online trade and consumer protection laws and regulations. With the rapid devaluation of the currency, Onliner.by and the other sites had been listing prices in U.S. dollars, rather than in Belarusian rubles, and were not abiding by government-set price controls. The authorities viewed them as stoking economic panic. As one official explained, the internet stores had greatly contributed to the "galloping jump in prices."<sup>40</sup> One internet expert compared the closure of Onliner.by and other internet stores to "dropping a nuclear bomb on a single house," adding that the Ministry of Trade had assumed the functions of an economic and political censor.<sup>41</sup>

To further limit the spread of non-state information about the financial crisis, the government also blocked the leading independent news and information websites Charter97.org, Gazetaby.com, Belaruspartisan.org, UDF.by, 21.by, Zautra.by, Belapan.by and Naviny.by on December 19-20. The blocking continued for at least a week. Several websites were able to circumvent the blocking by changing their IP addresses. In some cases, the new IP addresses were also repeatedly blocked. After a couple of weeks, the large-scale blocking ended as unexpectedly as it began. However, in late March 2015, some providers again began blocking some of these sites.<sup>42</sup>

Following a forced 23 percent devaluation, the currency crisis abated in early January 2015. As a result of informal negotiations, written appeals, and meetings with state officials, the news section of Onliner.by was restored in the Belarusian domain zone on January 6. One week later, its shopping services were also reactivated, although without information regarding vendors and prices. By March 2015, the e-commerce site had resumed full operations.

On the first day of the blocking of the news sites, Beltelecom issued a statement explaining that the difficulties in accessing some websites in the national segment of the internet were due to alleged DDoS attacks on its data center.<sup>43</sup> However, it became clear that the blocking was taking place at

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38 Iryna Lewshyna, "Information Minister Ananich warns non-state media outlets against inciting panic," *BelaPAN*, December 21, 2014, <http://bit.ly/1Rf3t6F>; Ina Studzinskaya, "A meeting with the participation of the editors of the independent mass media took place at the Ministry of Information," [in Russian], *Svaboda*, December 20, 2014, <http://bit.ly/1OIAyZ6>.

39 AFP, "Belarus blocks online sites and closes shops to stem currency panic," *The Guardian*, December 21, 2014, <http://bit.ly/1x16X3T>.

40 "The Operations and Analysis Center closes the site Onliner.by" [in Russian], *Salidarnast*, December 20, 2014, <http://bit.ly/1OyNjHu>.

41 Ihar Karnej, "'Clearing' internet-shops: Nuclear bomb dropped on a single house," [in Russian] *Svaboda*, January 10, 2015, <http://bit.ly/1MtRQVI>.

42 BAJ, "Some Providers Totally Block Charter97, Belaruspartisan and Viasna," March 27, 2015, <http://bit.ly/1LSbal1>.

43 Beltelecom, "Due to the DDOS attack on Beltelecom equipment there may be difficulties accessing a number of informational resources in the national segment of the Internet" [in Russian] December 19, 2014, <http://bit.ly/1RMx9J5>.



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the level of the backbone provider, since these sites could still be accessed through circumvention tools.<sup>44</sup> Owners of the blocked news sites filed requests to Beltelecom and other state agencies seeking explanations, but none admitted responsibility. In its reply to the Belarusian Association of Journalists, the OAC claimed that it took no measures to restrict access to the websites. ISPs reported detecting no malfunctions of communications equipment, the national internet exchange point, or the international switching center. They also blamed the sites' inaccessibility on a massive cyberattack. The Interior Ministry's Cyber Crime Prevention Department reported that it had stopped investigating the incident because it posed no "public threat" and possessed no "elements of a civil or criminal offense." The Prosecutor General's Office denied any involvement in the blocking.<sup>45</sup>

According to a leading IT security expert who requested anonymity, the OAC initiated the blocking. The expert speculated that the order to implementers was of a general nature, without specific or detailed instructions, so the blocking appeared haphazard and the authorities could deny involvement. As in the past, basic techniques such as IP filtering and disabling DNS records were employed. It appears that the authorities do not perform regular or automated monitoring of the accessibility of banned websites, and it generally takes several hours for a new IP address to be blocked. To date, no documented instances of deep-pocket inspection (DPI) filtering have been recorded. However, the Belarusian government is reported to have purchased the equipment and software for DPI, but has yet to use it.

The Belarusian Association of Journalists issued a "Statement on the Massive Blocking of Websites," decrying the blocking and declaring that the Belarusian authorities had de facto imposed a "state of emergency" on information in the country. It pointed out that the blocking had no legal grounds and contravened the country's international obligations.<sup>46</sup> On December 22, the OSCE Representative on Freedom of the Media criticized the blocking and stated that the amendments to the Media Law posed a significant threat to freedom of expression.<sup>47</sup>

After passing new legislation to further control online activities, the government moved to block additional websites. In January 2015, the Ministry of Information "restricted access" to two unidentified websites, allegedly over content that included obscene language which could harm Belarus' national interests by threatening "society's spiritual and moral potential."<sup>48</sup> By May, an official at the Ministry of Information indicated that access to 18 websites was being limited; these sites were allegedly offering drugs, displaying pornography, and using taboo words. The official claimed that the blocking is "in line with European traditions."<sup>49</sup>

On February 25, 2015, the Presidential Administration's OAC and Ministry of Communications issued a joint directive, Ruling No. 6/8, establishing more onerous mechanisms and procedures for

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44 Solidarnast, "Access to the site *Solidarnast* blocked in Belarus," [in Russian] BAJ, December 19, 2014, <http://old.baj.by/be/node/27250>.

45 Aliaksandr Yanusik and Tanya Korovenkova, "Authorities adopt new censorship tools in run-up to presidential race," BelaPAN, February 5, 2015, <http://bit.ly/1jHuYe0>.

46 BAJ, "Statement on the Massive Blocking of Websites," December 22, 2014, <http://bit.ly/1VWhO9n>. The blocking was considered illegal because the December 2014 amendments to the Media Law that related to blocking did not come into force until January 1, 2015.

47 OSCE, "New regulation and recent blockings threaten free speech on Internet in Belarus, says OSCE Representative."

48 Tanya Korovenkova, "Authorities "restrict access" to two unnamed websites over obscene language," BelaPAN, January 22, 2015, <http://bit.ly/1VWi48h>.

49 Yury Byabeshka, deputy chairman of the legal and cadres work department of the Ministry of Information, quoted in "Proposal to liquidate Information Ministry of Belarus heard in Riga," *Charter97*, May 20, 2015, <http://charter97.org/en/news/2015/5/20/152310>.

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restricting access to websites the government considers harmful.<sup>50</sup> According to the directive, which went into force immediately, websites will be blocked if they contain information about illegal drug trafficking or other information that may not be distributed. Websites may also be blocked if their owners fail to correct violations of the Media Law as required by the authorities. The directive allows not only state agencies but also any individual to propose blocking specific websites.

The directive also included some new restrictive elements. It permits blocking access to Tor, proxy servers and anonymizers that allow people to access banned websites without being identified.<sup>51</sup> Internet users typically use anonymizers to circumvent government censorship and reach online resources banned in Belarus, including opposition websites. While experts do not believe that the Belarusian government will be able to completely block access to blacklisted websites, the audiences of these sites are likely to be sharply reduced.

In addition, the OAC is no longer certifying new anti-virus software. Belarusian legislation requires all anti-virus software to undergo a compulsory state certification. In 2014 and 2015, the OAC warned software distributors against selling uncertified software and suspended its sale. Until Belarusian distributors are able to sell licensed anti-virus software, computers and individuals are at greater risk of malicious activity.<sup>52</sup>

In addition to the amendments to the Media Law, several other directives and decrees impacting the online sphere were implemented during the coverage period. In August 2014, the Council of Ministers adopted Ruling No. 810, which established a National Expert Committee to Assess Information Products for Extremist Materials. The Committee works under the Ministry of Information and will “defend public interests from destructive displays in the information sphere.” The committee will be able to request materials, including those from online sources, for examination. The ruling envisages a separate committee in each of the country’s regions. While the committees’ decisions can be disputed in court, independent experts note that their establishment transfers the evaluation of allegedly extremist materials from the judicial to the bureaucratic sphere. They are concerned that the committees will continue the state’s practice of applying the excessively broad interpretation of “extremism” and “extremist” material in existing legislation to political content.<sup>53</sup>

On December 28, 2014, President Lukashenka signed Decree No. 6 “Concerning prompt measures to counteract illegal drug trade,” which, among other provisions, also allocated broader powers to the Ministry of Information and the Ministry of Internal Affairs to block internet sources and restrict users’ online activities. Finally, the Decree obliged all internet hosts to control and analyze all information, messages, and comments posted on their websites, and operators must keep records of users’ online activity. This imposes liability for third-party comments on website owners and creates additional burdens for owners of online sources.<sup>54</sup>

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50 ПОСТАНОВЛЕНИЕ ОПЕРАТИВНО-АНАЛИТИЧЕСКОГО ЦЕНТРА ПРИ ПРЕЗИДЕНТЕ РЕСПУБЛИКИ БЕЛАРУСЬ И МИНИСТЕРСТВА СВЯЗИ И ИНФОРМАТИЗАЦИИ РЕСПУБЛИКИ БЕЛАРУСЬ 19 февраля 2015 г. № 6/8, February 25, 2015, <http://bit.ly/1VWX32N>.

51 ПОСТАНОВЛЕНИЕ ОПЕРАТИВНО-АНАЛИТИЧЕСКОГО ЦЕНТРА ПРИ ПРЕЗИДЕНТЕ РЕСПУБЛИКИ БЕЛАРУСЬ И МИНИСТЕРСТВА СВЯЗИ И ИНФОРМАТИЗАЦИИ РЕСПУБЛИКИ БЕЛАРУСЬ 19 февраля 2015 г. № 6/8, February 25, 2015, <http://bit.ly/1VWX32N>.

52 Dr. English, “Policy dissonance: Open technoparks and TV networks vs. banned journalists and antiviruses,” *Digital Report*, February 28, 2015, <http://bit.ly/1VWXI9N>.

53 ВАЖ, “Mass Media in Belarus E-Newsletter,” July-August 2014, 4, <http://bit.ly/1jHxwZN>; ВАЖ, “Mass Media Week in Belarus,” August 11-24, 2014, 2, <http://bit.ly/1LxKkws>; Original directive is at: ПОСТАНОВЛЕНИЕ СОВЕТА МИНИСТРОВ РЕСПУБЛИКИ БЕЛАРУСЬ 21 августа 2014 г. № 810, <http://bit.ly/1LSclHI>.

54 Dr. English, “Belarus adopts anti-drug decree,” *Digital Report*, January 2, 2015, <http://bit.ly/1KdB5MA>; Vadzim Smok, “Lukashenka Smashes Drug Dealers and Users with a Tough Decree,” *Belarus Digest*, January 20, 2015, <http://bit.ly/1OyPbjx>.

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In August 2014, the Russian government blacklisted a number of Ukrainian websites, which also became unavailable in Belarus. Belarusians trying to visit those websites saw the following messages: "Access to the website is restricted under the legislation of the Russian Federation" and "The website may contain information prohibited for distribution on the territory of Russia." The opposition movement "For Freedom" appealed to Beltelecom and the Ministry of Information, asking them to explain why the decisions of the Russian authorities were being applied to Belarusian internet users, and urging them to take measures to restore access to the blacklisted sites.<sup>55</sup> Shortly thereafter the websites became accessible again in Belarus.

On August 14, 2014, Belarus' most viewed opposition website, *Charter97*, which is based in Warsaw, Poland, was blocked for Belarusian users. The blocking was carried out through the gateway of Belpak (a part of Beltelecom), through which all internet providers connect. The site was accessible only via proxy services. Beltelecom refused to comment on the blocking. The site's editor-in-chief stated that access to the site had been blocked at the request of the Russian authorities over the site's pro-Kyiv coverage of the Ukraine crisis. One week earlier, *Charter97* had been blacklisted by the main Russian operator, Rostelecom. Earlier in the summer, Rostelecom had briefly blocked *Charter97*, making the site also unavailable in Belarus. Beltelecom restored access to *Charter97* in the afternoon of August 15.<sup>56</sup>

In May 2015, the Ministry of Information began warning websites, including a number of political and news sources, that they were allegedly violating the newly amended Media Law. Freeregion.info, Radio Racyja, Tuzin.fm (a music portal), the website of the opposition United Civic Party, and the cultural website Kyky received letters indicating that their websites contain some unspecified "violations of the mass media legislation."<sup>57</sup>

Under the newly-amended Media Law, a blacklist of websites is now maintained by the Telecommunications Ministry's State Inspectorate for Electronic Communication, which makes changes to it based on instructions from the Ministry of Information. Only government agencies and ISPs have access to blacklisted sites, which is to be reviewed daily. Any government body can add to the blacklist by informing the Ministry of Information about sites that, in its opinion, violate the law. A website can be blocked by a provider after 24 hours, while it may take the Ministry of Information up to a month to restore access to it once all violations are corrected. The blacklist of restricted websites and procedures for adding websites to it remains unclear, non-transparent and closed to the public. Experts note that the government's decisions are made arbitrarily, do not require judicial approval, and allow no course for appeal.<sup>58</sup>

Although different mechanisms of blocking were applied in 2014-2015, the restrictions on internet content were disproportional to the stated aims. If previously the authorities had blocked internet content only during high-level electoral campaigns or rare instances of political unrest, they now

55 "For Freedom movement is protesting against the blocking of websites on the territory of Belarus by Russian state agencies," [in Russian] *Belarus News*, August 12, 2014, <http://pyx.by/bel/naviny/belarus/3693>.

56 BelaPAN, "State telecommunications monopoly restores access to popular opposition news website," *Belarus News*, August 15, 2014, <http://bit.ly/1LxKT9E>; Natalia Radzina, "Blocking of 'Charter'97" website is execution of Moscow's order by Belarusian authorities," *Charter97*, August 15, 2014, <http://bit.ly/1MtUvyE>. Since 2011, Charter97.org has been on a Belarusian government blacklist.

57 BAJ, "Information Ministry Targets Independent Websites," May 15, 2015, <http://old.baj.by/en/node/28691>.

58 Tanya Korovenkova, "Edict No. 60 less restrictive than feared, but authorities can tighten screws," *BelaPAN*, July 1, 2013, <http://bit.ly/1Le7Ddp>.

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seem ready to restrict the flow of information to cope with Belarus' growing economic problems.<sup>59</sup> Many experts concluded that the December adoption of new internet censorship amendments and their almost immediate implementation were a "dress rehearsal" for the 2015 presidential election.<sup>60</sup>

Decree No. 60, which came into effect in 2010, remains in force. Designed "to protect the interests of citizens, society and the state in the information sphere," the decree introduced provisions by which ISPs are required to block access to restricted information, such as pornography and material inciting violence.

In 2010, the Ministry of Telecommunications and the Presidential Administration's Operations and Analysis Center (OAC) issued a regulation establishing a blacklist of websites whose access should be blocked in state-run facilities and internet cafes.<sup>61</sup> A February 2015 decree revised this blacklist. Two of the country's most popular independent news websites, Charter97.org and Belaruspartisan.org, as well as the website of the Viasna Human Rights Center, Spring96.org, which were on the old restricted list,<sup>62</sup> continue to be blocked in state-run facilities. In practice, ISPs seem to be inconsistent in blocking access to these sites; some have blocked access to blacklisted sites without any user requests, while others have ignored the blacklisting.<sup>63</sup> ISPs block the blacklisted websites by web address or in combination with IP filtering.<sup>64</sup>

## Content Removal

To date, content removal has not been broadly used by Belarusian authorities. However, the December 2014 amendments to the Media Law now permit the Ministry of Information to demand the deletion of information the authorities deem illegal, such as information related to extremism or information considered harmful to national interests.<sup>65</sup> The amendments require the owners of websites to remove any online report disputed by any person and to post a refutation in its place. If the online publishers do not comply, their websites can be blocked. Website owners are held liable for any illegal content posted on their site, and can also be punished for abusive or "incorrect" comments left on message boards.<sup>66</sup> These official decisions are no longer made by courts but by executive bodies, with no dispute mechanism or right to appeal. Even before the new amendments came into force, online publishers threatened with the possibility of a claim of defamation or harm to reputa-

59 Vadzim Smok, "Will Belarus Increase Internet Censorship After December's Financial Panic?" *Belarus Digest*, January 6, 2015, <http://bit.ly/1OIH8zd>. This article also includes a brief history of internet censorship in Belarus.

60 Sergey Kozlovsky, "The Dress Rehearsal for the Belarusian Crackdown," *Global Voices Advocacy*, February 24, 2015, <http://bit.ly/1GhQS1O>.

61 "State Supervisory Body for Telecommunications Started Forming the "Black List";" [in Russian] *Electroname*, July 9, 2010, <http://bit.ly/1GhQXm8>; State Supervisory Department for Telecommunication (BelGIE), "Restricted List," [in Russian] [http://belgie.by/ru/lists\\_access](http://belgie.by/ru/lists_access).

62 Vyacheslaw Budkevich, "Government begins blocking access to opposition websites," *BelaPAN*, April 11, 2011, [http://en.belapan.com/archive/2011/04/11/en\\_20240411](http://en.belapan.com/archive/2011/04/11/en_20240411).

63 Volha Prudnikova, "Authorities use both legal and illegal methods to control internet, expert says," *BelaPAN*, June 24, 2011, <http://bit.ly/1PmulEf>.

64 In December 2012, Index on Censorship conducted field research using a sample group of blacklisted sites to assess the scope of the filtering. The results indicated varying degrees of blocking. While the sites were available via internet cafes in Minsk and through Belarus' mobile operators, some or all were blocked in places where the state had greater control over the internet connection, such as government buildings and universities. Andrei Aliaksandrau, "Belarus: Pulling the Plug," (policy paper, Index on Censorship, January 2013) 12-13, <http://bit.ly/1OyQKOx>.

65 "BelTA, Lozovik: Some websites are set up to flood Internet with negative information," December 17, 2014, <http://bit.ly/1OIM0V6>.

66 Anastasiya Salanovich, "Minister warns of crackdown on websites for "incorrect" comments on message boards."

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tion by state officials, individuals, or companies, often chose to remove controversial materials from their websites before a formal complaint was filed.

The authorities have also used non-legal pressures, such as intimidation, to force the deletion of specific content. In September 2014, Dmitry Daynenko and his student friends uploaded a video to YouTube showing Dmitry taking the charity “ice bucket challenge,”<sup>67</sup> and then challenging President Alexander Lukashenka to do the same. After the video appeared on the opposition website *Charter97*, Daynenko was summoned by school officials and the police, who threatened to fine everyone involved unless they took the video down.<sup>68</sup>

Several attempts to force the removal of Belarusian content from YouTube originated from Russia in connection with its recent incursions beyond its borders. In August 2014, YouTube blocked “Lobotomy,” a popular documentary about the 2008 Russia-Georgia war by the award-winning Belarusian director Yuri Khaschevatski, with over 400,000 views. The film was blocked on the director’s own YouTube account for an alleged “violation of author’s rights.” When Khaschevatski informed YouTube that the author’s rights actually belonged to him and requested access to his movie be restored, he was informed that the blocking request had been filed by the Russian TV studio Sut’ Vremeni (“The Essence of Time”) headed by Russian ultranationalist Sergei Kurginian. Kurginian had also filed a request to remove another video by the director, which was about Vladimir Putin.<sup>69</sup>

## Media, Diversity, and Content Manipulation

Destabilizing developments in the region over the past year, including Russia’s propaganda campaign regarding the conflict in Ukraine and Belarus’ economic crisis and 2015 presidential election, have had a significant effect on the online media landscape in the country. In 2014-2015, as the internet became an increasingly important source of information for millions of citizens, the authorities stepped up their efforts to influence and manipulate online content. The authorities also continue to use preferential subsidies to favor progovernment media outlets and accreditation requirements to punish freelance journalists and independent media outlets.

Through its selective use of oppressive laws and threats, the government actively promotes self-censorship, which has been a pervasive phenomenon for web-based media, especially state and commercial outlets. During 2014-2015, self-censorship by online journalists increased in response to greater government restriction and repression of independent media.<sup>70</sup> In particular, the new amendments to the Media Law and related legislation have had a chilling effect on journalists and editors. According to the vice chair of the Belarusian Association of Journalists, “the authorities want to force mass media into self-censorship, all the time considering which materials they can or cannot publish.”<sup>71</sup> For example, the news section of the popular portal Onliner.by has switched off the comments function under selected articles that could generate controversial – and therefore dangerous

67 “Ice bucket challenge by ‘fined’ for nominating leader,” *News from Elsewhere* (blog), BBC, September 4, 2014, <http://bbc.in/1h1ZTWa>.

68 “Ice bucket challenge by ‘fined’ for nominating leader,” *News from Elsewhere* (blog), BBC, September 4, 2014, <http://bbc.in/1h1ZTWa>; “Trouble in Berezino by Challenging Lukashenko to the Ice Bucket Challenge,” [in Belarusian] *Svaboda*, March 9, 2014, <http://bit.ly/1NMtEE5>.

69 *Charter97*, “Yuri Khaschevatski’s film removed from YouTube,” [in Russian] *Salidarnast*, August 8, 2014, <http://bit.ly/1jHQi3i>.

70 For attacks and legal cases against journalists and media staff, see the monitoring of the Belarusian Association of Journalists for 2014 at <http://baj.by/en/monitoring/3991>.

71 “The authorities want to force journalists into self-censorship – Bastunets,” [in Belarusian] *Svaboda*, February 15, 2015, <http://bit.ly/1Pxbntx>.

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– comments.<sup>72</sup> However, everyday Belarusian internet users still feel generally safe in expressing their opinions online, despite increased attacks on independent journalists and websites.

Trolling, or the use of inflammatory, extraneous, or provocative messages, is one of the government's less direct, but nonetheless effective methods of manipulating online content. Since the 2010-2011 protests, the number of trolls and paid commentators has significantly increased on independent websites. Online obscenities and rudeness continue to be a challenge, often making discussions on forums more divisive.<sup>73</sup> As more Belarusian internet users move to social networks, trolls have also migrated to popular online communities.

While it is difficult to prove that trolls are being paid for their services, especially by the government, one can assume that there is some coordination behind their activities given the fact that they are constantly present on popular and influential internet forums and social networks, immediately react to new developments, and frequently work in teams.<sup>74</sup> In the summer of 2014, local authorities and the Ministry of Internal Affairs refused to take up a complaint by Valery Karankevich, who had petitioned the police in the Mahilou region to identify and investigate a troll who had insulted and libeled him on the website *Voskresinfo*. In fact, Karankevich, an opposition politician who had been detained previously for political reasons, was himself questioned regarding the contents of the independent site.<sup>75</sup>

In the wake of its invasion of Ukraine and campaign of intimidation in the region, Russia has been waging an "information war" in the so-called "Russian World," of which Belarus is considered a part. As a result, the Kremlin has stepped up its efforts to influence media content in Belarus. Russian propaganda and misinformation have particularly pernicious effects in Belarus because the Russian language dominates the country's media landscape, and the most popular websites in Belarus are based in Russia. As a result, Belarusians are heavily influenced by Russian media content.<sup>76</sup>

Following a similar script employed in Ukraine, Russian nationalist online publications and bloggers have aggressively targeted Belarus over the past year. They have denounced the right of Belarusians to have an independent state, criticized the existence of the Belarusian language and culture, demonized the Belarusian democratic opposition and even attacked Lukashenka for his alleged pro-Western leanings and "disloyalty" regarding Ukraine.<sup>77</sup> Russian trolls have also become more active on Belarusian websites and social media pages, and purportedly outnumber Belarusian trolls. The trolls not only attack prodemocratic online forums but seek to influence viewers and manipulate content on Russian-Belarusian issues for partisan purposes.<sup>78</sup>

72 For example, this article "Lukashenko: Decree No. 3 will correct the situation," *Onliner*, April 18, 2015, <http://bit.ly/1X9ppnD>, about Lukashenka's controversial decree fining so-called "parasites" who do not work, was read more than 52,000 times but evidently has no comments. Upon registering, however, readers trying to comment on the article will find the notification that "Comments to this post are not allowed." For other articles on the same site, comments are allowed and regularly number in the hundreds.

73 Volha Prudnikava, "Bynet: rudeness is an issue," *BelaPAN*, August 8, 2012, <http://bit.ly/1X9BQQ5>.

74 "Yuri Zisser: Popularity of the opposition websites grows thanks to censorship," [in Russian] *Eurobelarus*, October 10, 2013, <http://bit.ly/1kakUei>.

75 BAJ, "Media Week in Belarus," June 9-22, 2014, <http://bit.ly/1LSktBy>.

76 Ryhor Astapenia, "How Russian Culture And Media Shape Belarusian Politics."

77 Alexander Cajcyc, "Russian Media Attack Belarus: A Warning For Minsk?" *Belarus Digest*, January 2, 2014, <http://bit.ly/1Mu1TKI>.

78 "KGB hires trolls urgently?" *Charter97*, April 11, 2012, <http://bit.ly/1LSsgJn>; "Troll from Olgino: They would mock Lukashenka as hard as possible," *Charter97*, September 9, 2014, <http://bit.ly/1jsJbfm>; "Yuri Zisser: Popularity of the opposition websites grows thanks to censorship," [in Russian] *Eurobelarus*, October 10, 2013, <http://bit.ly/1kakUei>.

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In addition to manipulating content online, the government is also increasingly using administrative laws to restrict non-state journalists' ability to work, including stringent requirements for accreditation.<sup>79</sup> Journalists, including those publishing online, are not allowed to work professionally if not accredited by the state.<sup>80</sup> Reporters working for media abroad are required to be accredited with the Ministry of Foreign Affairs. However, Western outlets find it difficult to obtain government permission to operate in Belarus, and it remains almost impossible for Belarusians to obtain a permit to work for a foreign media outlet. For example, in January 2015, the Ministry of Foreign Affairs rejected journalist Victor Parfenenko's appeal for accreditation for the eighth time.<sup>81</sup> In practice, Belarus' Media Law makes it impossible for freelancers to work legally in the country. Many freelance journalists have been harassed and prosecuted by the authorities under the charge of not having appropriate accreditation (see Violations of User Rights).

While Belarus' 2009 Law on Information, Informatization and Protection of Information guarantees access to, and the distribution of, information of interest to the public, the government routinely restricts information from independent journalists and the media, including online websites. Some 60 state bodies can classify their information as secret, state officials cannot speak with journalists without the approval of their bosses, and media can only gain information from official press services or state ideological departments.<sup>82</sup>

The government controls all broadcast media and more than 600 newspapers and information websites. It continues to influence and determine online content through significant financial support to progovernment media outlets, despite worsening economic woes. For example, in December 2014, as the Belarusian ruble was losing almost 30 percent of its value, the government issued a directive providing financial support for 26 government-controlled newspapers and magazines, and presumably their websites.<sup>83</sup> In May 2015, the government launched a new website, *Belsmi*, to promote the state-controlled local media and create a more favorable image of the country. Experts have criticized the site for its one-sided content.<sup>84</sup> While the total amount of funding provided to progovernment online media is unknown, the 2015 state budget allocated EUR 60 million (US\$73 million) – an increase of approximately EUR 8 million over 2014 – to support all state-run mass media. These funds are used to “collect, prepare and disseminate state orders on official information.”<sup>85</sup> The state also provides preferential advertising (70 percent of the economy is composed of state-run companies) and subsidizes rent and other operating costs.

In contrast, non-state media receive no government subsidies and suffer from a constant lack of funding. The government employs direct and indirect economic pressure to limit financial support for free media, including independent online media outlets, making it nearly impossible for these

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79 The Law on Mass Media envisages an authorization-based procedure of accreditation. Moreover, it does not allow the possibility to appeal against a refusal of accreditation. A journalist is forbidden to carry out professional activities, if he or she is not accredited. BAJ, “Comments on Suggestions to Media Law,” January 24, 2013, <http://old.baj.by/en/node/19255>.

80 BAJ, “Comments on Suggestions to Media Law,” January 24, 2013, <http://old.baj.by/en/node/19255>.

81 BAJ, “Minsk City Court rejected a journalist the right to complain to the Ministry of Foreign Affairs,” [in Belarusian] January 19, 2015, <http://old.baj.by/be/node/27523>.

82 IREX, “Belarus,” in *Europe & Eurasia Media Sustainability Index 2013*, 182, <http://bit.ly/1LoPZlh>; IREX, “Belarus,” in *Europe & Eurasia Media Sustainability Index 2015*, <http://bit.ly/1NgcjA5>.

83 Maryna Nosava, “Government to financially support 26 print media outlets in 2015,” BelaPAN, December 23, 2014, <http://bit.ly/1QAXNng>.

84 Aliaksandr Klaskowski, “Authorities launch official media site, keep independent media under thumb,” BelaPAN, May 7, 2015, <http://bit.ly/1OJe6j2>.

85 BAJ, “Mass Media Week in Belarus,” December 12-22, 2013, <http://bit.ly/1RfkAoj>; BAJ, “Figures of the year,” January 3, 2015, <http://baj.by/en/analytics/figures-year>.

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sites to be profitable. Additionally, restrictive amendments to the Law on Public Associations and the Criminal Code that were passed secretly in 2011 made it a criminal offense for NGOs to receive foreign funding. Since most non-state online outlets are run as NGOs, the amendments pose a direct threat to the viability of Belarusian independent media.<sup>86</sup> Additionally, many independent online newspapers suffer from the negative financial impact of their print versions being repressed and economically discriminated against.<sup>87</sup>

Forced to operate in semi-underground conditions and facing constant pressure from the state, independent online media and opposition websites are unable to monetize their growing audiences and popularity. Most independent news websites are at an economic disadvantage because state and private companies are afraid to advertise on them. There is an unwritten rule advising state agencies and companies not to advertise in the independent media, including internet outlets. In some cases, the pressure is more obvious. In February 2014, for example, the founder of the website *Orshatut* reported that the KGB had warned a businessman that the site was “not quite the right one” and, to avoid trouble, he should remove his advertising.<sup>88</sup> There have also been cases when foreign companies, especially those cooperating with state agencies, have avoided placing ads on independent websites due to political concerns. As a result, even the most popular independent or opposition online outlets generate little or no advertising revenue.

In January 2015, the government introduced a compulsory registration fee (\$8) for websites, information systems, and networks in the national internet domain. Additionally, website owners must inform their service providers of any registration information or website status changes within five days or pay additional fees. This requirement introduces additional financial burdens for website owners and hosting providers. Major hosting providers expressed their discontent with new fees and claimed that the fees are unreasonable and contradict regional practice.<sup>89</sup>

These challenges are compounded by Belarus’ worsening economic problems. After anemic growth through most of 2014, structural weaknesses, aggravated by Russia’s economic crisis, led to rising inflation, devaluation, debt, and unemployment. Belarus is experiencing a recession in 2015. All of these challenges are placing additional economic pressure on non-state media. In January 2015, Belarus’ oldest and once-popular web portal, Open.by, closed down due to economic reasons.<sup>90</sup>

Over the past year, greater numbers of Belarusians viewed independent news and information online because they found it to be a credible alternative to the government’s version of developments in the country and abroad. The vast majority of the top 50 news and information websites in the country continue to be either independent or opposition run.<sup>91</sup> Despite two decades of autocratic government, and one of Europe’s most challenging media landscapes, Belarus continues to have a vibrant and diverse online presence. However, in the wake of Russia’s invasion of Ukraine and the

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86 See: Human Rights Watch, “Belarus: Open Joint NGO Letter to the Parliament of Belarus,” October 20, 2011, <http://bit.ly/1KdT1H4>.

87 For details regarding the government’s economic leverage over the independent print media, see Andrei Aliaksandrou and Andrei Bastunets, “Belarus: Time for media reform,” (policy paper, Index on Censorship, February 2014) 6-8, <http://bit.ly/1i9mvPA>.

88 Tatsiana Reviaka, *Situation of Human Rights in Belarus in 2014*, Viasna Human Rights Center, Minsk, 2015, 49, <http://bit.ly/1O1YgF8>.

89 Dr. English, “Digital Report Weekly, January 16<sup>th</sup>, 2015, «Patriotic» and restricted Internet sweeping the region,” *Digital Report*, January 16, 2015, <http://bit.ly/1kapF7s>. For instance, there are no such fees in Russia or Ukraine.

90 It was launched in 1999. Alyaksey Areshka, “Belarus’ oldest web portal to close down on January 1,” *BelaPAN*, December 22, 2014, [http://en.belapan.by/archive/2014/12/22/en\\_22121717b](http://en.belapan.by/archive/2014/12/22/en_22121717b).

91 Akavita internet ranking site, accessed June 7, 2015, <http://bit.ly/1LoRJe0>.



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Kremlin's "information war," more citizens expressed trust in state-run media than in independent media in 2014, a dramatic change from the year before. By March 2015, however, the level of public trust to both had become approximately equal.<sup>92</sup>

In 2014, social networks and blogs grew as important sources of independent information in Belarus, driven by a desire for objective information regarding Belarus' economic problems and the conflict in neighboring Ukraine. Surveys conducted in 2014 indicated that approximately one quarter of respondents had garnered information about developments in Ukraine from social media sites.<sup>93</sup> The Russian site VKontakte remains the most popular social network service; as of January 2015, it had 2.5 million real users per week and was among the top 3 most accessed sites in the country.<sup>94</sup> By August 2014, the Russian social network Odnoklassniki had more than 1.3 million real users each month.<sup>95</sup> The total number of Facebook users in Belarus ranged from 640,000 to 900,000 as of March 2015.<sup>96</sup>

Comparative analysis of the media communities on popular social networks demonstrate that information posted and shared by independent media is much more in demand than content published by state media. Links from the social network accounts of independent media are actively clicked, shared and discussed by users, while the social network accounts of the state media are lifeless, with almost no comments or cross-posted links, indicating that they cannot compete with their independent counterparts.<sup>97</sup> Progovernment websites have few readers, and state officials do not use social networks.<sup>98</sup>

Belarus has a vibrant blogosphere. Government restrictions on traditional media have pushed independent-minded commentators to launch their own blogs. The most popular blogging platform is LiveJournal. By 2011, Belarusians comprised one of the largest groups on LiveJournal, with over 600,000 users. For Belarusian intellectuals writing in Belarusian and Russian, LiveJournal serves as an alternative media tool for uncensored texts and discussions on social, political and economic issues. The most popular Belarus blogs have over 10,000 followers,<sup>99</sup> which is more than the circulation of many independent newspapers. In the past few years, however, LiveJournal has declined in popularity as more commentators have migrated to Facebook and other social networks. Of particular interest in the past year were blogs posted by Belarusians reporting on developments in Ukraine,<sup>100</sup> and the case against the "fence blogger" in Brest.<sup>101</sup>

92 Belarusian Analytical Workroom, May, November and December 2014 polls, Andrei Vardomatski, "Hopes are fading, yet happiness remains," Belarusian Analytical Workroom, February 9, 2015, <http://bit.ly/1MI1mJt>; Independent Institute of Socio-Economic and Political Studies, "Graph 1, Dynamics of trust ratings of mass media and opposition parties," December 2013-2014 and March 2015 polls, <http://bit.ly/1KdUOff>.

93 From May, November and December 2014 surveys on "From what sources do you receive news about Ukraine?," Belarusian Analytical Workroom, <http://www.belaw.eu/?lang=en>.

94 Gemius, "Rankings Summary," accessed June 7, 2015, <http://bit.ly/1OJ03tE>.

95 Gemius, "Top 10 Sites," accessed on March 22, 2015, <http://www.audience.by>. Since being accessed in March, Gemius has changed its website and these figures are no longer available.

96 Gemius, *Online Landscape: Russian speaking markets*, accessed March 22, 2015.

97 BAJ, "Independent media in Belarus: Achievements, challenges and perspectives," November 23, 2013.

98 Artyom Shraibman, "Authorities control but do not gag Internet," BelaPAN, February 8, 2013, <http://bit.ly/1Rfn3Qd>; Pauliuk Bykouski, "Government Websites a Decade Behind," [in Belarusian] *Tut i Ciaper*, January 21, 2013, <http://bit.ly/1GhWbP2>.

99 The First Rating of Belarusian Blogs, accessed March 23, 2015 <http://ratings.by/?sort=readers>; LiveJournal, "User ratings," <http://bit.ly/1PmKJEJ>.

100 See Budzimir (Dmitri Halko) at <http://budimir.livejournal.com>; and <http://echo.msk.ru/blog/budimir>. For an interview with Halko, see Giacomo Manca, "The Blogosphere: A peephole to freedom under Minsk's sky," *New Eastern Europe*, January 28, 2014, <http://bit.ly/1G9PAGG>.

101 Mikhail Lukashevich has been posting political statements on his fence for a decade. In December 2014, the authorities began an investigation into statements on the "political blog" that allegedly defamed President Lukashenka. In March 2014,

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The primary role being played by independent activist websites and social media pages in Belarus is offering an alternative to the state's propaganda and misinformation. In terms of accountability, the major players are websites such as those of the Belarusian Association of Journalists and Viasna Human Rights Center, which seek to hold Belarus to its domestic and international human rights obligations. The country's recurring economic crises have stimulated more online initiatives designed to foster greater economic transparency and accountability. The most popular of these is the Koshturada ("Price of the State") website, which monitors budgetary expenditures.

Because of the repressive nature of the Belarusian government, many political, civic and media activists have chosen or been forced to emigrate over the last two decades. As a result, a number of Belarus' most popular and influential websites are based outside of the country, in Poland (*Charter97*, *Euroradio.fm*), Russia and Ukraine (*Belaruspartisan*), and the Czech Republic (*Svaboda*). Nevertheless, the vast majority of these websites' viewers are based in Belarus.

In addition, some websites with content related to the LGBT community have been targeted by the government, decreasing the diversity of content available online. *Gaybelarus.by*, the online human rights project conducted by Belarusian LGBTI groups, has been blocked in Belarus, including from private computers and mobile phones, since June 2013. During most of the last year, web browsers indicated that they could not connect to the site when accessed from Belarus. As of June 2015, however, the webpage was accessible again at *Gaybelarus.org*.

## Digital Activism

Digital activism increased over the past year. Online petitioning has become one of the most popular forms of activism in Belarus. Starting an e-petition is often the first step in raising public awareness about an issue and acts as a catalyst for launching a civic campaign. The day after the authorities shut down the popular portal *Onliner.by*, a petition demanding its restoration was filed on *Change.org* and generated over 20,000 signatures in less than 48 hours. More than 8,000 people signed an e-petition against the deportation of Elena Tonkacheva, one of Belarus' leading human rights defenders and the director of *Lawtrend – Center for Legal Transformation*, which, among other activities, monitors and publishes reports on internet freedom in Belarus.<sup>102</sup> As the deportation case unfolded, the Center was finalizing the results of its annual research, which showed that government websites were failing to meet the requirements of Belarusian legislation.<sup>103</sup> Despite an intensive online and offline solidarity campaign, Tonkacheva was deported from Belarus.

During the last year, social networks were used more often as tools for civic mobilization. Whereas online campaigns in the past rarely resulted in any meaningful offline activism, more recent initiatives have indicated that this may be changing. One example was the campaign to save the independent bookstore *Lohvinau*.<sup>104</sup> In a situation similar to the accreditation issue (see above), *Lohvinau's* attempts to register with the Ministry of Information were rejected six times for political reasons. The

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the authorities opened a criminal case under Article 367, Part 1 of the Criminal Code (libel against the head of state) against Lukashевич. His house was searched, and his brushes and paint were seized. See "Belarus: Man investigated over 'fence blog,'" *News From Elsewhere* (blog), *BBC*, March 11, 2015, <http://bbc.in/1wZ8Kud>; BAJ, "Mass Media Week in Belarus," March 2-15, 2015, <http://bit.ly/1Oz9T2X>.

102 See Center for Legal Transformation (LawTrend), <http://www.lawtrend.org/information-access>.

103 Marina Sokolova, "Lawtrend presents the monitoring of regional websites and baseline levels," [in Russian] *Lawtrend* (blog), December 13, 2014, <http://bit.ly/1Mu75hf>; "State Authorities of Belarus Online, Marina Sokolova's Blog," [in Russian] *Lawtrend* (blog), August 4, 2014, <http://bit.ly/1Mu75hf>.

104 See *Lohvinau*, [www.lohvinau.by/en](http://www.lohvinau.by/en).

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bookstore was then fined an unprecedented amount of almost one billion Belarusian rubles (about \$65,000) for selling books without a license in January 2015.<sup>105</sup> To save the unique entity, civil society launched a solidarity and fundraising campaign using social networks.<sup>106</sup> A virtual flash mob was organized by writers, activists and ordinary readers, who posted photos of themselves online with their favorite book and a promise to donate money, and a challenge to others to do the same.<sup>107</sup> An independent gallery and artists held an online charity auction in support. By March 24, the campaign had raised enough money to pay off the fine. In March, the Ministry of Information granted the bookstore a license to produce and distribute books.

Finally, online activism continues to be important in election years. Since the 2006 presidential election, independent websites, blogs, internet forums, and online communities have played a growing role in educating citizens, informing voters, monitoring the polls, and mobilizing protests against electoral irregularities. In 2010, social networks became an important tool for carrying out solidarity actions and peaceful protests. With the rapid growth of new media, independent online sources were able to compete with state-controlled newspapers, radio, and television during the 2010 presidential election. Independent online media played a growing role in documenting and reporting numerous violations committed by the state during the 2012 parliamentary and 2014 local elections.

## Violations of User Rights

*In 2014–2015, the Belarusian authorities tightened their control over freedom of expression and the internet through a series of restrictive legal acts, and the government’s persecution of journalists publishing online increased.<sup>108</sup> While extralegal intimidation and technical attacks were infrequent, the UN Special Rapporteur on the situation of human rights in Belarus noted a deterioration of the legal, regulatory and administrative environment for the internet.<sup>109</sup> While the changes are claimed to protect Belarus and its citizens from “destructive foreign influences,” independent experts believe the new curbs to freedom of expression are more likely due to fears of domestic unrest and a Belarusian version of Ukraine’s Euromaidan revolution as the country’s economic situation worsened in the run up to the 2015 presidential election.*

## Legal Environment

While the rights to freedom of expression and information are guaranteed by the Belarusian constitution, they remain severely restricted and violated in practice. Since 2007, the government has employed a series of repressive laws—mainly defamation laws—that target traditional media to stifle critical voices online.

On January 28, 2015, amendments to Articles 188, 361 and 367 of the Criminal Code came into force.

105 Maeve Shearlaw, “Belarus bookshop rallies against publishing crackdown,” *The Guardian*, February 3, 2015, <http://bit.ly/1zAhQLz>.

106 See #SaveLohvinau, [www.savelohvinau.club](http://www.savelohvinau.club).

107 Hanna Lubakova, “Take a Photo with a book and donate to a bookstore: a fundraising flash mob for Lohvinau continues on the internet,” [in Belarusian] *Svaboda*, February 11, 2015, <http://bit.ly/1RMMvgH>; “Artists launch online action in support of the Lohvinau Bookstore,” [in Belarusian] *Svaboda*, February 23, 2015, <http://bit.ly/1Ngf8kW>.

108 Smok, “Will Belarus Increase Internet Censorship after December’s Financial Panic?”

109 UN OHCHR, A/HRC/29/43, “Report of the Special Rapporteur on the situation of human rights in Belarus,” April 29, 2015, 3 and 14, <http://bit.ly/1dxQXSp>.

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These amendments specifically made information distributed via the internet subject to criminal penalties for defamation, defamation of the president, and threats to national security.<sup>110</sup>

Prior to and after introducing the December 2014 amendments to the Media Law, the authorities sought to make the case for further regulating the internet. They put forth several arguments, the first being national security. To protect the national cyberspace, the authorities declared their intention to work more closely with like-minded allies. In June 2014, President Lukashenka spoke of cooperating with China, which has managed to “create an effective system for the protection of the national cyberspace,” because “the world has already entered into an era of undeclared cyber wars.”<sup>111</sup> In September, a parliamentary committee discussed the ratification of a 2013 agreement with Russia which would coordinate responses to “information threats.”<sup>112</sup>

### Prosecutions and Detentions for Online Activities

A major issue in 2014-2015 was a mounting campaign of harassment and intimidation against Belarusian journalists working for foreign media without accreditation. During the reporting period, more than 25 legal cases were launched against freelance journalists resulting in fines totaling about \$8,000.<sup>113</sup> Some journalists have been targeted multiple times. In particular, the government is pursuing Belarusian journalists working for two Poland-based media outlets reporting on Belarus: *Belsat* and *Radio Racyja*. All of these cases relate to the journalists’ online work. In one of the cases, for example, journalist Larysa Shchyrakova was charged with the “illegal production and distribution of information” under Article 22.9 of the administrative code for an article published on the *Belsat* website about tax increases for entrepreneurs in Belarus.

The case of Aliaksandr Burakow is indicative of the campaign against unaccredited journalists. The Mahilou journalist was targeted after three of his articles appeared on the Deutsche Welle website. On September 16, 2014, police raided Burakow’s apartment. While being questioned, the police assured him that there were no problems with the articles’ contents, but rather that he was an unaccredited journalist working for a foreign media outlet. Ironically, the search of Burakow’s apartment coincided with the visit of Dunja Mijatovic, the OSCE Representative on Freedom of the Media, to Minsk, where she raised the issue of accreditation when meeting Belarusian officials. Her advocacy did not prevent the authorities from fining Burakow BYR 6 million (US\$570).<sup>114</sup> Speaking earlier on Belarus, Mijatovic had declared: “Accreditation should not be a license to work and the lack of it should not restrict journalists in their ability to work and express themselves freely.”<sup>115</sup>

The Belarusian Association of Journalists (BAJ) has condemned the government’s persecution of freelancers, calling it pressure that smacks of threats and blackmail. It pointed out that, under the Media

110 See, ЗАКОН РЕСПУБЛИКИ БЕЛАРУСЬ 5 января 2015 г. № 241-3, <http://bit.ly/1PmNK7T>.

111 BelTA, “Belarus plans to step up cooperation with China to protect national cyberspace,” July 2, 2014, <http://bit.ly/1G9R8R0>.

112 BelTA, “Belarus, Russia to unite efforts to assess information security threats,” September 9, 2014, <http://bit.ly/1hJ81WH>.

113 Cited by Andrei Bastunets in Caro Rolando, “What it’s like to be a journalist in Belarus,” IFEX, May 5, 2015, <http://bit.ly/1kauZYB>; For a list of the cases, see BAJ, “Fines to Journalists for Violating Article 22.9 of the Administrative Code,” July 15, 2015, <http://bit.ly/1ZIWedd>.

114 Reporters Without Borders, “More and More Freelance Journalists Are Being Prosecuted,” November 18, 2014, <http://bit.ly/1jImcg2>; “BAJ protests against prosecution of journalists for contribution to foreign mass media,” Eurobelarus, September 30, 2014, <http://bit.ly/1G9XPIT>; BAJ, “Fines to Journalists for Violating Article 22.9 of the Administrative Code,” July 15, 2015, <http://bit.ly/1ZIWedd>.

115 Reviaka, *Situation of Human Rights in Belarus in 2014*, 128.

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Law, the legal provision of “illegal production and distribution of mass media products” (Article 22.9), under which the freelancers are being charged, is applicable to media organizations, not to individual journalists. Furthermore, the persecution of the freelancers violates both Belarus’ constitution and its international obligations.<sup>116</sup> BAJ has repeatedly appealed to the authorities to codify the status of freelancer in the Media Law, but the Parliament’s Lower House rejected its proposals. In addition to working illegally, freelancers without press credentials have limited access to official sources of information, cannot prove they are journalists if detained, and receive no social benefits for their work.<sup>117</sup>

In 2014-2015, the government continued the practice of using materials obtained from online sources as “evidence” to punish individuals for alleged offline crimes or misdemeanors. On November 5, International Stand up for Journalism Day, independent journalists and activists in Viciebsk posted a group photo, taken in front of a locally known graffiti work of a bird escaping from a cage, on their Facebook pages. The activists were participating in the 7th annual campaign of the European Federation of Journalists. In the picture, some held paper cut-outs of cages in front of themselves, symbolizing the plight of independent journalists in Belarus. Several weeks later, the participants were summoned by the police, shown the photos from the internet, and charged with participating in an “unauthorized mass demonstration.” Even a bystander, who was walking by and spontaneously joined the photo session, was arrested and jailed for three days in connection with the case. All seven participants were fined for allegedly breaking the law, a judgement that media rights groups found absurd.<sup>118</sup> With fines totaling \$1,429, journalists called it the most expensive photo session in the history of Belarus’ justice system. The authorities later painted over the graffiti mural.

In recognition of the problematic nature of using online “evidence” to punish alleged offline offenses, the UN Human Rights Committee accepted a complaint filed by human rights defenders from Hrodna for consideration in June 2014. They had been fined for an “unsanctioned demonstration” based on an online photo of them holding a portrait of the human rights defender Ales Bialiatski, who at that time was a political prisoner. The photo had been taken on International Human Rights Day, December 10, 2012, and posted on the internet in January 2013.<sup>119</sup>

In January 2015, Alena Melnikava, a well-known independent blogger using the pseudonym Stogava, was fined \$240 for insulting a public official in the exercise of his duties. As related in her LiveJournal blog, Melnikava was barred from entering a Minsk subway station by a police officer, who accused her of being inebriated. In the emotional post, Melnikava denied the accusation and called the officer a “*ment*,” a derogatory term for the police. She described Belarus as a “country run by *ments*” and posted a picture of him. The officer claimed that, as a result of the insult, he was investigated at work and his mother was offended.<sup>120</sup>

116 “BAJ protests against prosecution of journalists for contribution to foreign mass media,” Eurobelarus, September 30, 2014, <http://bit.ly/1G9XPIT>.

117 Alyaksandr Yanusik and Tanya Korovenkova, “Information ministry tough on freelancers,” BelaPAN, March 13, 2015, <http://bit.ly/1QARXT8>.

118 BAJ, “Vitebsk Region Court Upholds Fines for Free Expression to Journalists and Activists,” December 12, 2014, <http://old.baj.by/en/node/27311>; BAJ, “Open Letter of BAJ and EFJ against Prosecution of Our Colleagues in Vitebsk,” November 26, 2014, <http://bit.ly/1PmQHFH>.

119 Reviaka, *Situation of Human Rights in Belarus in 2014*, 10-11.

120 Ales Piletski, “Blogger Stogava fined 3.6 million for insulting a policeman,” *Euroradio*, January 19, 2015, <http://bit.ly/1jsMWkZ>; Adarya Hushtyn, “Blogger fined over post that allegedly insulted policeman,” BelaPAN, January 19, 2015, <http://bit.ly/1Rf2y68>.

## Surveillance, Privacy, and Anonymity

Belarus employs systematic, nationwide, sophisticated surveillance to monitor its citizens and control critical expression online. All telecommunications operators are obliged to install real-time surveillance equipment, which makes it possible to monitor all types of transmitted information (voice, mobile text message and internet traffic) as well as obtain other types of related data (user history, account balance, and other details) without judicial oversight. Mobile phone companies are required to turn over personal data of their customers at the government's request.

In 2010, President Lukashenka issued a decree introducing the Russian-developed intercept technology SORM (System of Operative Investigative Measures) and allocating resources for online surveillance technologies.<sup>121</sup> SORM enables government surveillance directly via the provider. ISPs were ordered to buy, install and maintain the SORM equipment at their own expense. In 2012, the state telecom operator Beltelecom reported that it had installed SORM on its byfly network.<sup>122</sup> Since late 2011, deep packet inspection (DPI) technology has been in place for network packet inspection and filtering according to content.<sup>123</sup> The Belarusian government also uses Semantic Archive, software developed in Russia that monitors open data—media archives, online sources, blogs, and social networks.<sup>124</sup> It also employs viruses, malware, and spying software to conduct cyber surveillance.<sup>125</sup> Western firms have reportedly supplied equipment and software that would allow the state to expand its surveillance of citizens.<sup>126</sup> Since at least 2010, the Belarusian authorities have apparently employed mobile telephone surveillance measures.<sup>127</sup>

Given the government's increasing control over the internet, more Belarusians are using proxy servers and other methods to circumvent it. During the past year, Tor use in the country more than doubled; over 8,000 Belarusians are using it.<sup>128</sup> VPN use is also considered to be very popular.<sup>129</sup> In February 2015, however, the Belarusian government moved to ban access to all anonymity and circumvention tools. Under the new ruling, Belarus may attempt to block not only anonymizers and Tor, but also other security tools like the Opera and Yandex browsers that allow access to almost any website in traffic compression mode.<sup>130</sup>

Under a 2014 decree on limiting the sale of illicit drugs, users of any digital wallets available in Belarus (such as Paypal, Webmoney, YandexMoney and other digital payment systems) will no longer enjoy anonymity, as under the new law they must be identified.

In Belarus, there is no judicial or independent oversight of internet or ICT surveillance. ISPs are re-

121 Ministry of Communications and Informaization (MPT), "Measures on implementation of the National program of accelerated development of information and communication technologies for 2011-2015" [in Russian] <http://bit.ly/1RftCJJ>.

122 "Beltelecom installs user control system (SORM)," *Charter97*, April 30, 2012, <http://bit.ly/1X9yug6>. The equipment reportedly came from Russia. Andrei Soldatov and Irina Borogan, "In Ex-Soviet States, Russian Spy Tech Still Watches You," *Wired*, December 21, 2012, <http://wrd.cm/1NggKet>.

123 Mikhail Doroshevich and Marina Sokolova, "Internet Development and Usage," ed. Anatoly Pankovsky and Valeria Kostyugova, *Belarusian Yearbook 2012*, 2013, 174, <http://bit.ly/1hJ9XhL>.

124 Andrei Soldatov and Irina Borogan, "Russia's Surveillance State," *World Policy Institute*, Fall 2013, <http://bit.ly/1cZerr4>.

125 Digital Defenders Partnership, *Insights into Internet freedom in Central Asia: Belarus*, 2013, accessed March 24, 2015, <http://bit.ly/1OJ7ocQ>.

126 Andrei Aliksandrau, "Belarus: Pulling the Plug," 16-17.

127 Stanislav Budnitski, "Big Brother in Eurasia: Surveillance goes digital," *Digital Report*, November 13, 2014, <http://bit.ly/1Rfu5nU>.

128 Tor Project, "TorMetrics – Direct users by country," accessed March 22, 2015, <http://bit.ly/1PmSf2u>.

129 Douglas Crawford, "VPN and Tor banned in Belarus," *BestVPN*, March 4, 2015, <http://bit.ly/1M6UYZA>.

130 e-belarus, "Belaru Bans Tor and Other Anonymizers," February 26, 2015, <http://www.e-belarus.org/news/201502261.html>.

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quired to make remote access to their databases available on demand to government bodies carrying out investigations. There is widespread belief that the internet traffic, text messages, and voice calls of opposition activists are routinely monitored. One expert notes that while the government continues to significantly expand surveillance over the internet, few Belarusians realize the extent of this surveillance and the threat it poses to internet users in the country.<sup>131</sup>

Beginning in January 2016, all ISPs must collect information about visits to websites by their customers. These records must be maintained for one year. As a result, law enforcement agencies will have access to the private browsing history of all web users in Belarus.<sup>132</sup> Since 2007, internet cafes are required to keep a year-long history of the domain names accessed by users and inform law enforcement bodies of suspected legal violations.<sup>133</sup> Internet cafes are also required to photograph or film users.<sup>134</sup> Restaurants, cafes, hotels, and other entities are obliged to register guests before providing them with wireless access, whether free of charge or paid.<sup>135</sup> Belarusian citizens must present their passports and register when buying a SIM card and obtaining a mobile phone number.

The collection and protection of personal data remains problematic in Belarus. Belarus remains the only post-Soviet state that has no proper legislation regulating the privacy of personal data. It has not joined the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.<sup>136</sup> In general, independent experts conclude that “Belarusian legislation does not provide a satisfactory basis for the proper balance between freedom and security online.”<sup>137</sup>

## Intimidation and Violence

In the absence of elections and other major domestic political events from June 2014 through May 2015, there were fewer recorded instances of extralegal intimidation and harassment for online activities than in previous years, though they still remained a prominent trend.

In May 2014, unidentified individuals attempted to enter the apartment of Sergei Beshpalov, the administrator of “Maja kraina Belarus” (“My Country Belarus”), one of the country’s largest pro-democracy communities on Vkontakte. Several hours later, electricity to the apartment was cut, and unknown persons broke down the doors. Beshpalov managed to escape by jumping out of the window.<sup>138</sup> That same day his girlfriend and parents were interrogated by the police. At the time of the

131 Jerome Taylor, “Government of Belarus using ‘new tools’ to silence dissent on internet, says Index on Censorship report,” *The Independent*, January 4, 2013, <http://ind.pn/1QATQPw>. Since a majority of Belarus’ internet traffic passes through Russia, which also employs SORM, it is also presumably spied on by that country’s security services, which have close relations with their Belarusian counterparts.

132 Alyaksey Areshka, “Internet service providers required to keep records of customers’ visits to websites,” BelaPAN, March 15, 2015, <http://bit.ly/1LSCE3M>.

133 “Council of Ministers of the Republic of Belarus. Regulations on computer clubs and internet cafe functioning” [in Russian], *Pravo.by*, April 29, 2010, <http://pravo.by/webnpa/text.asp?start=1&RN=C20700175>.

134 Alyaksey Areshka, “Authorities scrap passport requirement for Internet cafes’ visitors,” BelaPAN, December 27, 2012, <http://bit.ly/1Mubh0t>.

135 Including the user’s name, surname, type of ID, ID number, and name of the state body which issued the ID, as per Art. 6, Regulation on computer clubs and internet café functioning, <http://bit.ly/1jIgoTB>.

136 Elena Spasiuk, “Belarusians will be checked by database,” [in Russian] *Belorusskiye Novosti*, July 24, 2013, <http://bit.ly/1Oz6VLH>.

137 Marina Sokolova, “Freedom and Security Online in Belarus: Window for Opportunities,” Lawtrend, (presentation, May 2014) <http://bit.ly/1Oz72a5>.

138 “Administrator of ‘My Country Belarus’ community escaped through window,” [in Belarusian] *Svaboda*, August 5, 2014, <http://bit.ly/1NghErj>.

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incident, the community page had over 35,000 followers. Since then, its size has doubled. Bepalov remains in hiding and continues to oversee his site.

Raids of online activists' homes and the confiscation of their computer equipment continue to be common forms of harassment. In September 2014, the homes of several members of the opposition youth organization Young Front were searched by the police, who confiscated hard drives and modems under the pretext that pornographic materials were being distributed from their personal accounts on Vkontakte. The activists called the searches and seizures a provocation.<sup>139</sup> That same month, police raided the Mahilou apartment of the independent online journalist Aliaksandr Burakow, confiscating two laptops and flash drives belonging to his wife. Police also searched his parents' home, and confiscated two hard drives there.<sup>140</sup>

In March 2015, police searched the apartment of another Mahilou independent journalist and local opposition politician, Ihar Barysau, and confiscated his computer, modem and notepads. These actions were part of an investigation launched due to the complaint of a director of a local company, who had accused Barysau and the independent website *Gazetanm* of libel. Barysau had written and posted a story about the director losing a large sum of money at a casino. During the investigation, police also searched the Mahilou branch office of the Viasna Human Rights Center, since Barysau sometimes used its equipment, and seized three of the Center's computers. Ales Bialiatski, the chairman of Viasna and a former political prisoner, linked these events to a broader campaign in the Mahilou region that aims to intimidate independent journalists and human rights defenders in the run-up to the October 2015 presidential election.<sup>141</sup>

Family members of online activists are also being intimidated and harassed. In addition to the Burakow case above, Aliaksei Zhalnou—son of the prominent and often repressed Babrujsk blogger Aleh Zhalnou—was sentenced in June 2014 to three years of restricted freedom for “violence or threats of violence against a police officer.” Aleh Zhalnou records offences committed by traffic police, posting the videos on the internet, and submitting them as evidence with the complaints he regularly files with the authorities. With his father, Aliaksei Zhalnou was a witness to one such incident near an office of the traffic police, where an argument with an officer ensued. Both the blogger and his son were arrested. Several months later, the police captain involved in the accident sued the son and the authorities opened a criminal case against him. One and a half months earlier, his father Aleh had been beaten by unknown people and hospitalized with head trauma. The police did not conduct an investigation. The blogger's wife was also fired from her job and is facing criminal charges after she resisted when their apartment was being raided. Independent human rights experts believe that the family is being targeted in retaliation for the father's watchdog blogging activities and in order to silence him through intimidation.<sup>142</sup>

139 “Police Search Belarusian Activists' Homes For ‘Pornography,’” *Radio Free Europe/Radio Liberty*, September 17, 2014, <http://bit.ly/1LSvjaN>.

140 “Some computers are given back to Aliaksandr Burakou and he got acquainted with the protocol of violation,” Viasna Human Rights Center, September 9, 2014, <http://spring96.org/en/news/73415>.

141 “Bialiatski: Authorities are forcing journalists and human rights defenders out of the electoral process,” [in Belarusian] *Svaboda*, March 15, 2015, <http://bit.ly/1LSvpPy>.

142 BAJ, *Mass Media in Belarus 2014 Annual Report*, 10, <http://bit.ly/1kaA2YV>; BAJ, “Mass Media in Belarus E-Newsletter,” July-August 2014, 5-6, <http://bit.ly/1jHxwZN>. Aleh Zhalnou has had 14 cases launched against him by the police due to his watchdog blogging.



## Technical Attacks

Technical violence online is not widespread, but several instances of unusual attacks against independent websites, as well as independent journalists and civic activists operating online, occurred in 2014-2015.

In July 2014, the website of the international consortium Eurobelarus was hacked. For several days, unknown parties published provocative articles with false information about the situation in Ukraine and promoted the content on social networks. When the website's editors noticed an unusual increase in visitors to certain entries, which none of the editors had posted, they informed the public about the hacking. The fake articles were written quite professionally and appeared as typical Eurobelarus posts. Moreover, the hackers altered some original articles, distorting their meaning. As a result, Eurobelarus.info was put on a list of suspicious websites compiled by the Russian search engine Yandex. The editorial team of Eurobelarus believes that the attack was caused by the site's extensive coverage of developments in Ukraine: at the onset of the conflict with Russia, the site had launched a special project, "Events in Ukraine: The View from Belarus." The source of the attack remains unknown.<sup>143</sup>

In January 2015, unknown parties hacked the Odnoklassniki social network account of Larysa Shchyrakova, a Homiel-based independent journalist and civic activist who has often been targeted by the government in the past. They posted explicit photos of Shchyrakova taken from her computer, which had been confiscated in 2010 by the KGB. The hacking took place one day before Shchyrakova was to stand trial for her coverage of a November 2014 protest by a disabled activist in Svetlahorsk. Police had charged the journalist with participating in the "unsanctioned mass event." The harassment is also related to her alleged reporting for a foreign-based news organization without accreditation (see Prosecutions and Detentions for Online Activities). Odnoklassniki's technical support service has yet to respond to Shchyrakova's request to delete the stolen pictures from her account.<sup>144</sup>

While Belarusian criminal law prohibits these types of technical violence, law enforcement agencies rarely pursue such cases; when they do, the investigation is a mere formality. In March 2014, the Investigative Committee opened a criminal case in connection with a hacking attack targeting the independent website *Formats*. All the content was removed and two defamatory articles about an opposition activist in Mahilou were posted on the site. The independent journalist and website administrator Aliaksandr Burakow filed a complaint with the police and was declared to be a victim in this case. The website has been shut down since the attack. In August 2014, he was informed by investigators that a proxy server and IP addresses located in Sweden and the Netherlands were used to hack his website, that inquiries had been sent to those countries, and that there was "a theoretical probability that those who had done this could be found."<sup>145</sup>

In March 2015, unknown parties hacked Hata, a popular portal listing property for rent and sale. The site's owner claimed that the hackers posted advertisements for illegal drugs and child pornography on one of the site's pages. Anonymous emails with links to the hacked webpage were sent to the Ministry of Information and Ministry of Internal Affairs. As a result, the Ministry of Information

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143 BAJ, "Independent Website Got Hacked Spreading False Info about Ukraine," July 31, 2014, <http://baj.by/en/node/25902>.

144 Alena Hermanovich, "Freelance journalist in Homiel targeted by hack attack," BelaPAN, January 22, 2015, <http://bit.ly/1Ly9ZFy>.

145 Vyachaslav Budkevich, "Investigative Committee probing hacker attack targeting pro-democracy website," BelaPAN, August 8, 2014, <http://bit.ly/1PmVsiu>.

## Belarus

ordered providers to block access to the portal for disseminating information banned by the newly-amended Media Law. Despite the offensive material being promptly removed, the Ministry of Internal Affairs investigated the portal and had one month to make a decision whether to unblock it or not. The authorities did not take into consideration the argument that the site was hacked, perhaps by competitors, since the owner is obliged to protect his website from such attacks. Visits to Hata's site fell by 30-50 percent in the week following the blocking. Access was restored in April 2015. In an interview, the owner declared that "my example demonstrates how the new Media Law can become a tool in the hands of wrongdoers."<sup>146</sup>

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146 "Access to property portal is restricted by decision of Ministry of Information. Owner claims website was hacked," [in Russian] *TUT.by*, March 30, 2015, <http://42.tut.by/441700>.