

# MONITORING REPORT ON DEVELOPMENTS IN BELARUS

OCTOBER 2008 - JANUARY 2009

## EXECUTIVE SUMMARY

This monitoring report has been prepared by Belarusian civil society organisations and their international partners<sup>1</sup> to ensure that detailed information regarding the actual situation on the ground in Belarus is available to decision makers reviewing the EU decision on suspending sanctions for Belarus.

The report draws the following conclusions:

- The steps taken by the Belarusian authorities during this initial period of dialogue have been primarily cosmetic and are ultimately reversible. While a small number of organizations have benefited, little has been done to facilitate the functioning of independent civic and media sectors in any meaningful manner.
- The minor changes have not addressed the core problems facing civil society in Belarus today. On-going restrictions on human rights and fundamental freedoms continue to cause concern and illustrate that Belarus has not yet begun a meaningful democratisation process.
- While the recent steps by the Belarusian government are welcome, they can only be considered minimal efforts designed to demonstrate a modicum of good will to the EU and a willingness to continue with a process of dialogue.

The following key events can be observed from the period under review:

- The Belarusian authorities released a “non-paper” that identified a small number of issues that were subsequently addressed as part of the on-going dialogue with the EU. These were allowing two independent newspapers (*Nasha Niva* and *Narodnaya Volya*) to return to official circulation and distribution lists, organizing a round table on the new media law in cooperation with the OSCE, and offering to hold detailed discussions with OSCE/ODIHR on improving the electoral code.
- A number of "additional steps" by the Belarusian authorities towards the liberalisation of the country not specifically foreseen in the non-paper were also taken. These included:
  - Registration of the NGO “For Freedom”
  - Registration of the Homel branch of BPF opposition political party;
  - Establishment of a public advisory council on human rights by the Presidential Administration that will include representatives of

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<sup>1</sup> Compiled by the Committee for Defence of the Repressed ‘Salidarnasc’, Belarusian Association of Journalists, Cooperating Council for Individual Entrepreneurs, *Belarusi i Rynok*, Institute for Privatization and Management, Assembly of Belarusian Prodemocratic NGOs and Belarusian Institute for Strategic Studies in cooperation with the Belarusian International Implementers (BIIM) group.

independent civil society, including the Belarusian Helsinki Committee, NGO “For Freedom” and opposition United Civic Party.<sup>2</sup>

- In the area of Freedom of the Media, in spite of the access granted to the state distribution networks for the two newspapers mentioned above, four other similar applications were rejected or went unanswered. In total, 11 officially registered independent newspapers continue to be unavailable at state kiosks.
- In the area of Freedom of Association, at least two NGOs and one trade union had their registration requests refused. In addition, the requests for (re-)registration of a number of prominent independent NGOs including the Human Rights Center Viasna and the Assembly of Prodemocratic NGOs remain pending.
- Criminal cases were brought against several opposition activists. For example, Alyaksandr Barazanka was sentenced to one year of "restricted freedom" for participating in an opposition protest.
- Several applications for public gatherings and demonstrations were refused, including those for events commemorating the 60<sup>th</sup> anniversary of the UN Declaration of Human Rights.
- No steps have been taken to reconsider controversial Articles<sup>3</sup> of the Belarusian Criminal Code, which severely curtail the working environment and hinder the functioning of independent civic initiatives. Neither has Presidential Decree #533, which regulates the use of office facilities by NGOs and political parties, been repealed. The repeal or amendment of this legislation would indicate a genuine commitment to improving the climate for independent NGOs.

## 1. INTRODUCTION

On October 13, 2008, the Council of the European Union decided to suspend existing sanctions against prominent Belarusian officials for a period of six months.<sup>4</sup> This followed the August 2008 release of Alexander Kazulin, Siarhei Parsiukevich and Andrei Kim, who were widely considered to be political prisoners.

The Council noted that this decision would be reviewed after six months, following an assessment of the progress Belarusian authorities had made in a number of specific areas concerning "fundamental freedoms, including the freedom of expression and of the media, and the freedom of assembly and political association."

On November 19, EU officials in Brussels received a non-paper in which the Belarusian government made three concrete promises to liberalize the situation in Belarus "to demonstrate the seriousness of its intentions to normalise the relations with the EU."<sup>5</sup>

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<sup>2</sup> BelaPAN, January 26, 2009. N.B. all these structures are officially registered, other opposition parties and unregistered NGOs were not invited to participate.

<sup>3</sup> Part 2 Art. 367 – Defamation of the President of the Republic of Belarus; Part 1 Art. 368 - Degradation of the President of the Republic of Belarus; Article 369-1 - Discrediting the Republic of Belarus; Article 193–1 deals with acting on behalf of non-registered organizations.

<sup>4</sup> Conclusions of the 2897th External Relations meeting of the Council of the European Union.

<sup>5</sup> BelaPAN, November 21, 2008; Non-Paper of Belarus, November 19, 2008.

These steps were to organise an international roundtable on legislation regulating the Internet and Media with the OSCE representative for Freedom of Media and the OSCE office in Minsk, under the auspices and active cooperation of the Ministry of Information; allow two independent newspapers (*Nasha Niva* and *Narodnaya Volya*) to return to state-run newspaper kiosks and distribution networks; and affirm its readiness for a detailed discussion of the OSCE/ODIHR recommendations regarding improvements of the Belarus Electoral Code.

Since October, two resolutions designed to contribute to a coherent and unified EU strategy towards Belarus have been passed by the European Parliament. Both the first, passed on October 9, and second, passed on January 24, emphasised that the Belarusian government continues to fall far short of meeting international standards of democracy and respect for human rights.

The resolutions demonstrate the EP's commitment to monitoring the Belarusian authorities' actions as indicators of genuine progress, rather than being satisfied with mere declarations.

To ensure that decision makers reviewing the decision on sanctions in six months time will have detailed information regarding the actual situation on the ground in Belarus, participants of the Belarusian International Implementers Meeting (BIIM), held in Warsaw in October 2008, decided to produce this monitoring report. It is based on the observations and insights of international experts and independent organisations in Belarus.

The BIIMs have been held on a regular, bi-annual basis since 2002 and bring together donor and NGO implementer organizations from across Europe and the USA working in the areas of human rights and democracy development in Belarus. The purpose of the meetings is to exchange experiences, build a common strategy and better coordinate international efforts focusing on Belarus. Forty-eight NGOs and donor organizations, from Czech Republic, Germany, Denmark, Lithuania, Norway, Poland, Slovakia and Sweden, as well as the USA and European Commission, participated in the Warsaw meeting.

This report examines developments within the fundamental freedoms, including freedom of the media, freedom of association and freedom of assembly. It also considers freedom from political persecution and arbitrary detention, the repression of civic activists, and updates on economic liberalisation.

## **2. FREEDOM OF THE MEDIA**

As set forth in the Belarusian non-paper, on November 25 and 26, 2008, the independent newspapers *Narodnaya Volya* and *Nasha Niva* were allowed to participate again in the state-run Belposhta newspaper subscription service and be sold again in state-owned Belsayuzdruk kiosks.<sup>6</sup> The two publications had been excluded from these state monopolies in 2005, in the run up to the 2006 presidential

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<sup>6</sup> *Nasha Niva*, November 25, 2008.

election.<sup>7</sup> These newspapers are now considered readily accessible and appear in kiosks throughout Belarus, though in reality copies are often difficult to find. Their ability to take advantage of the situation by increasing print runs has been impeded by their poor financial situation, in part due to economic discrimination exerted against them by state authorities in recent years. Furthermore, despite the new status of these registered newspapers, two young activists were detained for distributing free promotional copies of *Narodnaya Volya* in Brest in December.<sup>8</sup>

In spite of these steps, eleven other registered independent newspapers still remain banned from the state distribution network.<sup>9</sup> During the period under review, four of these publications approached Belsajuzdruk and Belposhta with requests to re-start their subscription and sales agreements. Three have received negative answers and one has yet to receive a response.<sup>10</sup>

All independent newspapers are facing official re-registration following the entering into force of the new media law on February 8, 2009.<sup>11</sup> This process has raised serious concern among independent media since, in the past, the Belarusian government has used re-registration processes to reduce drastically the number of independent publications. The new law has been criticized strongly by media rights organizations, including Reporters Without Borders (RSF), Article 19, the Committee to Protect Journalists, and the International Federation of Journalists, among others, as well as several international bodies, including the OSCE.<sup>12</sup> On July 1, the European Commission denounced the adoption of the law. External Relations Commissioner Benita Ferrero-Waldner declared: "I deplore the adoption by the Belarus parliament of a new media law that will further restrict the freedom of the press in Belarus. Freedom of the press is an essential element of democracy."<sup>13</sup>

As proposed in the Belarusian non-paper, a round table discussion on "Internet Media: A Challenge of the 21<sup>st</sup> Century" was held on November 24 under the auspices of the Belarusian Ministry of Information, OSCE representative on Freedom of the Media and OSCE Office in Minsk. The event brought together international experts, state officials and independent media practitioners.<sup>14</sup> The independent Belarusian Association of Journalists (BAJ) viewed the meeting positively, especially since the participation of state officials was a break with recent practice.

The round table discussion focused on the differing views regarding the new media law scheduled to come into force on February 8, 2009. Independent journalists fear

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<sup>7</sup> *Annual Report 2006*, Reporters Without Borders; *Mass Media in Belarus in 2006*, monitoring by the Belarusian Association of Journalists

<sup>8</sup> Human Rights Center "Viasna," December 9, <http://spring96.org/en/news/26404> (citing Radio Racyja).

<sup>9</sup> The newspapers *Tovarishch*, *Novy Chas*, *Bobrujski Kurjer*, *Borisovskie Novosti*, *Vitebskij Kurier M*, *Volnaje Hlybokae*, *Hazeta dla Vas*, *Hazeta Slonimskaya*, *Hanzavicki Chas*, *Intex-press* and *Niasvizhski Chas* cannot be distributed through Belsajuzdruk. The newspapers *Tovarishch*, *SNPlus*, *Svobodnyje novosti plius*, *Novy Chas*, *Borisovskie Novosti*, *Vitebskij Kurier M*, *Volnaje Hlybokaye*, *Hazeta Slonimskaya*, *Hanzavicki Chas* and *Intex-press* are also not available through state subscription.

<sup>10</sup> The responses from Belsajuzdruk to *Tovarishch* and *Novy Chas* were received on November 17, 2008, from *Intex-press* on January 12, 2009. *Hazeta Slonimskaya* still has not received an official reply to its request. On November 11, 2008, *Tovarishch* also received a negative reply from Belposhta. Information from the Belarusian Association of Journalists, November 17, 2008, and January 15, 2009. BAJ Media Monitoring Report.

<sup>11</sup> Article 54 of the Law on Mass Media.

<sup>12</sup> OSCE Press Statement, June 27, 2008, <http://www.osce.org/item/31898.html>; NB the media law was originally drafted in 2002, consequently there are numerous critical statements, the original OSCE memorandum was prepared by Article 19 and published December 3, 2003 - [http://www.osce.org/documents/rfm/2003/12/1601\\_en.pdf](http://www.osce.org/documents/rfm/2003/12/1601_en.pdf). CPJ letter to President Lukashenka - <http://cpj.org/2008/07/belarus-considers-restrictive-media-law.php>.

<sup>13</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1065&format=PDF&aged=0&language=EN&guiLanguage=en>

<sup>14</sup> Reporters Without Borders, November 27, 2008.

that existing media laws will be applied to Internet media with the objective of limiting independent information. The Belarusian authorities claim to seek to control the flow of information so as to prevent illegal content such as child pornography. Independent media fear this will be used as a pretext to further limit access to information on the Internet.<sup>15</sup>

The meeting appeared to identify a compromise of voluntary registration that would be acceptable to both parties. This option would allow the government to meet the requirements of the media law while permitting online media outlets that wish to be officially considered as media to obtain this status. In a follow-up to the meeting, on January 25, Information Minister Uladzimir Rusakevich seemingly pledged that no formal registration requirement would be introduced for online information sources.<sup>16</sup>

On November 26, a meeting was held between representatives of BAJ and Usevalad Jancheuski, the Head of the Main Ideological Department of the Presidential Administration. Although there was no concrete outcome of the meeting, it was considered positive by BAJ especially as the meeting was the first of its kind.

However, the issue of journalist accreditation for foreign-based media outlets remains problematic. Two Polish journalists were given temporary accreditation, but requests by other foreign media outlets, including the European Radio for Belarus and Radio Racyja, have not been successful.<sup>17</sup> Three correspondents of Radio Racyja were refused accreditation in January 2009 on the grounds that they had previously worked in Belarus without accreditation.<sup>18</sup>

In November, BelSat, a Polish Television satellite channel broadcasting in Belarusian, submitted an application for registration with the Belarusian Ministry of Foreign Affairs. However, BelSat was required to explain why its correspondents had previously reported from Belarus without official registration and accreditation.<sup>19</sup> This requirement may negatively impact the registration and accreditation of other foreign media outlets. The decision concerning the registration of BelSat is pending and some suggest accreditation could be granted simply in order to bring its reporters under state control.<sup>20</sup>

Finally, the application of the Law “on counteraction to extremism”<sup>21</sup> continues to hinder freedom of media. In November, the KGB in Brest petitioned the court to order the destruction of ten copies of the independent intellectual journal *Arche*, which had been seized by customs officers at the Belarus-Poland border on October 24. The KGB claimed that the magazine contains “calls for extremist activity and propaganda of such activity.”<sup>22</sup>

Similarly, a district judge in Hrodna declared *Lekcja Białoruskiego*, a documentary on Belarus by a Polish director, to be an extremist film. The list of materials considered

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<sup>15</sup> BAJ Media Monitoring Report.

<sup>16</sup> BelaPAN, January 25, 2009.

<sup>17</sup> Belarusian Association of Journalists, January 25, 2009; Radio Racyja, May 28, 2008.

<sup>18</sup> Radio Racyja, January 23, 2006.

<sup>19</sup> Press Center of the Belarusian Association of Journalists, November 27, 2008.

<sup>20</sup> BelaPAN, January 3, 2009.

<sup>21</sup> Entered into force on January 21, 2007. According to the law, extremist materials are information products that contain calls for extremist activities, promote them or are regarded as extremist by a court decision.

<sup>22</sup> “Real Media Freedom Still Long Way Off,” BelaPAN, November 28, 2008.

extremist also includes the 2004 Chronicle of Human Rights Violations and three CD collections of songs put together by the Polish initiative “Solidarity with Belarus,” among others.

These incidents indicate that the Law “on counteraction against extremist” has been applied selectively, appearing to target opposition activists with a view to acting as a deterrent to independent civic activities.

#### 4. FREEDOM OF ASSOCIATION

Since October 2008, several independent structures have been formally registered by the Belarusian authorities. Others, however, have had their registration denied or have not yet received replies to their applications. Consequently, there is no firm evidence of a consistent change of approach by the Belarusian authorities in this area.

The “For Freedom” Movement (*Rukh za Svabody*), headed by former presidential candidate Aliaksandr Milinkevich, was registered on December 17, 2008. This was the NGO’s fourth attempt to register; all previous attempts were refused by the Belarusian Ministry of Justice. After a year of attempts, the Homel branch of the Belarusian Popular Front opposition political party received official registration on December 18.

A number of other independent organisations have also resubmitted applications for registration. These include the Assembly of Belarusian Prodemocratic NGOs (denied in 2003),<sup>23</sup> Party of Freedom and Progress (denied three times),<sup>24</sup> Human Rights Center “Viasna” (liquidated in 2003),<sup>25</sup> and the Civic Association “For Free Development of Entrepreneurship” (denied in 2007).<sup>26</sup> To date no action has been taken on these requests.

In October 2008, official registration was denied to the Civic Organization of Belarusian Pensioners “Nasha Pakalennie”<sup>27</sup> and the Social Patriotic Civic Organization “Haryzantal.”<sup>28</sup> In November, the Executive Committee of Mahilou refused for the seventh time to register the local Independent Trade Union of the Radio-Electronic Industry. After considering the case since August, the Executive Committee refused registration on the grounds that the union did not possess a legal address.

Two appeals against denials of registration are pending before the Belarusian Supreme Court. The NGOs “Centre for Support of Chernobyl Initiatives” and “Haryzantal” are appealing against the negative decisions of the Ministry of Justice.<sup>29</sup>

In October 2008, Uladzimir Katsora appealed to the Supreme Court, demanding it abide by the resolution of the UN Human Rights Committee that the NGO “Civic Initiatives” should be allowed to resume its activities. Similar appeals were addressed

<sup>23</sup> On December 24, 2003, the Supreme Court of Belarus upheld the decision of the Ministry of Justice not to re-register the Assembly.

<sup>24</sup> Constituent assemblies were held on November 22, 2003; May 29, 2004; and May 29, 2005.

<sup>25</sup> On October 28, 2003, the Center was liquidated by the Ministry of Justice.

<sup>26</sup> Human Rights Center “Viasna,” November 13, 2008.

<sup>27</sup> Court decision of October 17, 2008 (second denial).

<sup>28</sup> Court decision of October 23, 2008 (second denial in one year).

<sup>29</sup> www.telegraf.by.

to the Ministry of Foreign Affairs and the Ministry of Justice, but none were successful.

The authorities did make a symbolic step in improving the working conditions for civic initiatives by issuing Presidential Decree #689 on December 19, which suspends inspections and audits of all legal entities, including civic organizations and NGOs, for 6 months.<sup>30</sup> However, other forms of harassment persist, including unofficial searches of private quarters.<sup>31</sup>

On January 22, the Belarusian authorities gave the Assembly of Belarusian Prodemocratic NGOs permission to organize its VI Congress, scheduled to take place on March 6-7, 2009 in Minsk. Traditionally, the Congresses bring together hundreds of civic organizations from across Belarus, as well as international guests.<sup>32</sup>

## 5. AMENDMENTS TO ELECTORAL LEGISLATION

A meeting was held between representatives of OSCE/ODIHR, the Presidential Administration of the Republic of Belarus, the Belarusian Central Election Commission, the National Center for Legislative and Legal Research, and the Ministry of Foreign Affairs on January 22-23, 2009, to discuss the conclusions of the Final Report of the OSCE/ODIHR Election Observation Mission to the September 2008 Parliamentary Elections. It was agreed that an initial round of consultations between OSCE/ODIHR and Belarusian experts would be conducted in February 2009.<sup>33</sup>

In a parallel process, a working group of the opposition grouping United Democratic Forces developed a draft of changes and amendments to the Election Code. This draft was submitted to the Presidential Administration, OSCE/ODIHR, and Venice Commission of the Council of Europe.

The working group also requested to convene a meeting to discuss the proposed changes, but in spite of contacting 12 venues, no positive response was received. Subsequently permission has been requested to hold an open air meeting on February 8.<sup>34</sup>

## 6. FREEDOM FROM POLITICAL PERSECUTION AND ARBITRARY DETENTION

The number of administrative arrests of democratic activists has decreased compared to the same period in 2007. Forty-four civic activists were sentenced to administrative arrest in October-December 2007, compared with 16 in 2008. However, the number

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<sup>30</sup> “Monitoring on the fulfilment of the suggestions of the European structures in the sphere of bringing non-governmental organizations and freedom of association to normal condition by the Belarusian authorities,” Assembly of Belarusian Prodemocratic NGOs, January 2009.

<sup>31</sup> Ibid. Specific cases include the search and seizure of equipment in the “For Freedom” offices on November 18, and forced entry into the private flat of a Belarusian Popular Front opposition political party member and subsequent seizure of the independent unregistered newspaper *Tut i Tsiapier*.

<sup>32</sup> *Assembly* Newsletter, January 2009.

<sup>33</sup> Press Release of the Ministry of Foreign Affairs of the Republic of Belarus, January 23, 2009.

<sup>34</sup> Information from the United Democratic Forces.

of activists fined for their political activity was approximately equal: 16 in October-December 2007 compared with 12 during the same period in 2008.<sup>35</sup>

Criminal cases against civic activists Mikhail Sharamet and Yury Karetnikau, who were arrested in connection with the explosion of a bomb in Minsk on July 4, 2008, were halted on December 1. However, there remain other civic activists arrested in connection with the same incident whose criminal cases have not been closed yet.

At the beginning of October, a criminal case was brought against Artyom Dubsky under Article 415 of the Criminal Code of the Republic of Belarus (evasion of serving a sentence). He was accused by the authorities of three misdemeanour offences. Shortly after the initiation of this case, Mr. Dubsky requested political asylum in Ukraine.<sup>36</sup>

In December 2008, Alyaksandr Barazenska, the last of 14 young participants detained following a January 2008 protest<sup>37</sup> was sentenced to one year of "restricted freedom" (house arrest) that requires him to be present only at home or at work. Earlier in the year, nine participants received sentences of two years of restricted freedom.<sup>38</sup> Others, including a minor,<sup>39</sup> received one and 1.5 year restricted freedom sentences, and the remaining two were fined.<sup>40</sup>

On December 20, there was an apparent incident of illegal detention when Artur Finkevich, a former political prisoner and the leader of the unregistered opposition movement "Young Belarus," was reported to have been abducted near his home by individuals in civilian clothes. According to independent accounts, Mr. Finkevich was beaten, had his documents and money taken, and was left in a forest outside of Minsk.<sup>41</sup>

## 7. FREEDOM OF ASSEMBLY

There have been mixed results concerning applications to hold public demonstrations since the beginning of the dialogue period in October.

Permission was granted to the Belarusian Popular Front (BPF) to carry out the annual "Dziady" procession on November 2.<sup>42</sup> The event is devoted to honoring the memory of ancestors, in particular victims of political repressions during Soviet rule. The Conservative Christian Party (CCP), together with the unregistered Freedom Party, Belarusian Christian Democracy party and Young Belarus organised a parallel, unsanctioned, march. Police did not interfere with either march, which together drew some 1,000 people. Likewise, permission was granted to the civic organisation "Perspektiva" to hold a meeting of entrepreneurs to protest changes in legislation that restrict possibilities to work.<sup>43</sup>

<sup>35</sup> Human Rights Center "Viasna" Monitoring Report, [www.Spring96.org](http://www.Spring96.org).

<sup>36</sup> European Belarus, October 16, 2008; <http://www.europeanbelarus.org/be/news/2008/10/16/244>.

<sup>37</sup> 14 young activists were accused of organising and participating in actions deemed to violate public order (Article 342.1 of the Criminal Code – Organisation of group events violating public order, or active participation in such) for taking part in a peaceful street protest of entrepreneurs in Minsk.

<sup>38</sup> Pashkevich M., Krivau M., Tsishkevich T., Chernushou A., Bondar A., Dubskiy A., Subach M., Vinogradou P., Straltsou A.

<sup>39</sup> Dashuk M.

<sup>40</sup> *World Report 2009 – Belarus*, United Nations High Commissioner for Refugees.

<sup>41</sup> BelaPAN, December 20, 2008.

<sup>42</sup> BelaPAN October 28, 2008, *ibid.* November, 2, 2008.

<sup>43</sup> [http://www.telegraf.by/in\\_belarus/8654.html](http://www.telegraf.by/in_belarus/8654.html).



However, the Belarusian authorities refused over a dozen requests to hold meetings devoted to the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights. On November 7, official celebrations marking the anniversary of the October Revolution took place, but concurrent pickets by the opposition youth group Young Front against communist ideology were banned. Five representatives of the Young Front were sentenced to 3 days of administrative arrest for carrying out an unauthorized protest.<sup>44</sup>

On October 31, authorities prohibited Dzianis Karnou, a Young Front activist, from organizing a charity event, “A Belarusian Book to Every Child,” in a Minsk suburb, without providing any official reason.<sup>45</sup>

On January 20, 2009, the Minsk regional court upheld a decision of the Kletsk oblast court to fine Siarhiej Panamarou, head of an independent association dedicated to preserving historical and cultural monuments, for organizing an unsanctioned meeting on November 7, 2008. Originally the Kletsk Regional Executive Committee had informed Mr. Panamarou that meetings of this kind did not require official permission.<sup>46</sup>

## 8. FREEDOM FROM REPRESSION DUE TO CIVIC ACTIVITY

According to the Human Rights Center Viasna, from October to December 2008, there were a total of 142 cases of administrative persecution against pro-democratic activists. This compares to 42 cases from July to September 2008.<sup>47</sup>

Despite EU calls to refrain from pressuring students involved in political activities, the Belarusian government continues to repress young democratic activists, expel politically active students from universities, and forcibly induct young male activists into the military.

In January 2009, Aliaksei Zmushko, a member of the Belarusian Christian Democracy (BChD) opposition political party, was expelled from the Belarusian State Agricultural Academy in Horki.<sup>48</sup>

Three prominent members of opposition youth groups, Franak Vyachorka (Youth of the Belarusian Popular Front), Ivan Shyla and Zmitser Fedaruk (both of the Young Front) were forcibly conscripted into the military in January 2009. More than a dozen young democratic activists have been forcibly drafted over the last year.<sup>49</sup>

Jacek Protasiewicz, Chairman of the EP’s Delegation for Relations with Belarus, strongly condemned the actions of the Belarusian government and called for an end to “all forms of harassment against the activists from youth organizations...”<sup>50</sup> Mr. Protasiewicz noted that “this issue of refraining from the usage of army conscription for the reasons of political repression will remain among the key factors in the

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<sup>44</sup> Under Article 23.34 Part 1 of Administrative Code of Republic of Belarus

<sup>45</sup> Human Rights Center Viasna, October 31, 2008.

<sup>46</sup> Open statement of the Belarusian Voluntary Association for the Conservation of Historical and Cultural monuments, January, 22, 2009.

<sup>47</sup> See the database of the Human Rights Center Viasna, <http://spring96.org/persecution>.

<sup>48</sup> BelaPAN, January 16, 2009.

<sup>49</sup> BelaPAN, January 30, 2009.

<sup>50</sup> BelaPAN, January 31, 2009.

evaluation process of the human rights situation in Belarus during the six-month period of partial suspension of travel restrictions imposed on certain Belarusian Government officials.”<sup>51</sup>

The Human Rights Center Viasna reports that during this period three activists from civic organizations lost their jobs for political reasons. It is feared that as long as the contract system of employment, in which an employer does not need to justify a failure to renew contracts, remains in place, it will be abused and used as a means to exert pressure on civic activists.<sup>52</sup>

In December, Alyaksey Shydlovski, a young activist who has been repeatedly jailed over the past decade for his political activities, and his wife received political asylum in the Czech Republic.<sup>53</sup>

## **9. DEVELOPMENTS IN SPHERE OF ECONOMY/ ECONOMIC LIBERALISATION**

Peaceful protests against excessive state interference in the economy and business continue to be suppressed through courts and trials. On December 9, Jevgeniia Boचना, an entrepreneur from Novopolotsk was sentenced to six years of imprisonment. It is believed that Ms Boचना was prosecuted because her company was blocking a large investment by a Russian company. During the investigation, the case was illegally transferred from an economic to a criminal court.<sup>54</sup>

On December 10, a 24-hour nationwide strike of small entrepreneurs took place which shut down bazaars and market places across the country. Approximately 60 percent of entrepreneurs across the country protested the abolition of discounts on tax- and duty-payments on goods imported from Russia.<sup>55</sup> On December 15, a state-sanctioned protest, organized by the small business association “Perspektiva,” drew some 3,000 small entrepreneurs to Minsk’s Bangalore Square. Police did not interfere with the protest.

In a related development, despite having a list of 519 state-owned enterprises to be privatised by 2010, including 176 by the end of 2008, by 1 November the Belarusian government only privatized one. As a result, the majority of the economy continues to be controlled by the state.<sup>56</sup>

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<sup>51</sup> BelaPAN, January 26, 2009.

<sup>52</sup> See Viasna reports at [www.spring96.org](http://www.spring96.org).

<sup>53</sup> BelaPAN, December 5, 2008.

<sup>54</sup> According to the Coordinating Council of Individual Entrepreneurs (CCIE).

<sup>55</sup> BelaPAN, December, 10, 2008; according to the For the Free Development of Entrepreneurship, which organised the strike, 80-90% of vendors supported the strike, *ibid*, interview with Viktor Harbachow.

<sup>56</sup> IPM Research Centre Belarus.