What Makes Belarus Europe's “Last Dictatorship”? Behind the 2020 Turmoil

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Abstract

Belarus is the one country in Eastern Europe that has largely escaped Western attention for its human rights abuses and complete lack of democracy. The Belarusian regime led by Europe's last dictator, Alexander Lukashenko, has been characterized by centralization and personalization of power, along with its strong tendency to suppress dissent, coerce opposition and civil society. Against this backdrop, the 2020 presidential elections put in the spotlight the alarming state of human rights and civil liberties in Belarus. This paper explores the state of civil liberties and political freedoms in Belarus, focusing on the most significant problems, ranging from death penalty to arbitrary detentions and rampant discrimination against the minority groups.

Keywords: Belarus, civil liberties, political freedoms, civic activism.

Introduction

The rule of Alexander Lukashenko in Belarus has created one of the most resilient authoritarian regimes in post-communist Europe. Situated in the European Union - Russia shared neighborhood, Belarus has been characterized by ‘Soviet nostalgia’ rather than European aspirations. Politically, Belarus shows more similarities with the republics of post-Soviet Central Asia than with its neighbors in Europe. Since the collapse of the Soviet Union Belarus has gone from being a new and fragile democracy to a pariah state, largely regarded as “the last dictatorship in Europe” (Rudling, 2008).

Authoritarianism in Belarus appears to last longer than expected, with the country becoming a “non-democratic hole in the heart of Europe” (Frear, 2019, p. 1). As a result, Belarus remains an authoritarian police state with falsified elections and restricted civil liberties (Freedom House, 2020).

Not surprisingly, Belarus has found itself the target of consistent criticism on the part of Europe’s main international organizations and the United States for failing to meet what most European nations recognize as international democratic standards. The administration of President Lukashenko, who has been in power since 1994, finds itself in a state of confrontation with ‘the West’, primarily due to its non-espousal of these standards — at least as perceived by the country’s critics. The long standing popular legitimacy of the Belarusian president, despite his authoritarian style of government, would pose the questions of whether Belarusian society actually espouses democratic norms and, if not, to what extent it may be receptive to them (Rontoyanni and Korosteleva, 2005).
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Remarkably, public opinion surveys show that half of those surveyed (50.6%) assesses the human rights situation in Belarus as stable and unchanging. One-third of respondents (29.9%) believe that the overall human rights situation has deteriorated over the past few years, and only 7.0% believe there have been positive developments in this area (Freedom House, 2016). Respondents believe that the government is responsible for respecting human rights but is de facto incapable of providing sufficient guarantees for everyone and, when human rights are violated, is not able to provide the necessary redress. At the same time, around one-half (51.5%) of respondents agree that it is imperative to defend one’s own rights, even if it contradicts the interests of the state (Freedom House, 2016).

Essentially, the turmoil surrounding the 2020 presidential elections in Belarus is the unsurprising consequence of Lukashenko’s diminishing ability to maintain power or concentrate political control by preserving elite unity, controlling elections, and using force against opponents.

This paper addresses the following research questions:

1. What is the current state of political freedoms and civil liberties in Belarus? 2. What is the main rationale behind the 2020 post-election turmoil in Belarus?

The paper does not pretend to be able to evaluate the whole landscape of human rights and political freedoms. Instead, it focuses on the main factors determining Belarus’ reputation as Europe’s “last dictatorship.”

The plight of political freedoms in Belarus: bound to deteriorate?

The question as to why Belarus is largely hailed as Europe’s “last dictatorship” provokes an inquiry into the state political freedoms across the country.

According to the Freedom in the World score, Belarus is a not-free country, with overall scores of 21, 19, 19 in the years of 2017, 2018 and 2019, respectively. That said, the situation tends to deteriorate (Freedom House, 2018, 2019, 2020).

Even though lections do exist in Belarus, they are neither free nor fair. Freedom House suggests that there was never a democratic transfer of power in Belarus with Lukashenko extending his presidency by unfair means (Freedom House, 2020).

Electoral campaigns in Belarus are largely ceremonial exercises in which citizens validate the status quo, whereas participation of the opposition largely serves as window dressing to give the process a democratic semblance (Silitski, 2009, pp. 26-27).
Over the past three years Belarus scored 0 out of 4, since neither the leader of the government nor national legislative representatives have been elected through fair and free elections. Moreover, the electoral framework fails short of meeting the international standards (Freedom House, 2020).

Controlling the mass media and civil society has been crucial for Europe’s ‘last dictator’ Alexander Lukashenko’s rule. In effect, the freedom of association is extremely limited in Belarus, where the registration of groups is remains entirely arbitrary, while the foreign funding to NGOs is treated as interference in domestic affairs. Only a few human rights groups continue to operate, putting their supporters and activists at the risk of harassment by the government. Alarmingly, in 2018, the Criminal Code of Belarus introduced the prospect of large fines for unregistered or liquidated organizations, aimed at curbing their activism (Terzyan, 2020, pp. 8-12).

Moreover, the lack of a vibrant civil society has led to a situation where Belarusians have huge misconceptions about civil society organizations and do not tend to use the available resources within civil society and human rights organizations to defend their rights (Freedom House, 2016). Moreover, the state repression considerably affects the development of women's activism by influencing the number, scope, and capacity of women's nongovernmental organizations. Women are not much present in leadership positions and even though there are some activism groups concerned with gender-based violence, the government does not seem to be giving great weight to this issue (Freedom House, 2020).

The situation in Belarus turned upside down in the wake of 2020 presidential elections, that unleashed a huge wave of civic activism, with hundreds of thousands of Belarusians raising their voices and taking to the street. The anti-government protests following the 2020 presidential elections the Belarusian opposition and civil society have the potential to challenge the status quo meticulously preserved by Lukashenko.

Nevertheless, it would be misleading to treat the successful actions by protesters or even civil society representatives per se as a shift in a robust or “emerging” civil society. The question remains as to if protests are organized by well-established and institutionalized organizations, or do groups emerge spontaneously out of the protests themselves?

Since the ascension of President Alexander Lukashenko, the opposition has been repressed after most parliamentary and presidential elections without any substantial co-optation. As a result, the opposition has been weak and fragmented. Moreover, it has not been uncommon for opposition activists to get harassed, threatened and arrested. Newly
established political parties encounter a myriad of artificial constraints and challenges during the registration, which might ultimately restrain other parties from seeking a formal recognition (Kolarzik and Terzyan, 2020).

In effect, opposition actors are maintained in a ‘ghetto’, often virtual, tightly managed by the ruling authorities who exert monopolistic control over civic activities. Opposition actors adapt to the restricted conditions – accepting a certain level of dependency. They thus develop various tactics to engage with the outside, striving to reduce the ghetto walls, as manifested in large-scale protests in the aftermath of 2020 presidential elections (Bedford and Vinatier, 2019). More specifically, from August 9 to 13 - in the days following presidential election, police arrested nearly 7,000 people amid an unprecedented wave of popular and largely peaceful protests (Human Rights Watch, 2020b). Belarusian security forces arbitrarily detained thousands of people and systematically subjected hundreds to torture and other ill-treatment in the days following presidential election (Human Rights Watch, 2020b).

Europe and Central Asia director at Human Rights Watch, Hugh Williamson, notes that “The sweeping brutality of the crackdown shows the lengths to which the Belarusian authorities will go to silence people, but tens of thousands of peaceful protesters continue to demand fair elections and justice for abuses.” (Human Rights Watch, 2020b).

The OSCE report goes further by presenting a long list of human rights violations related to presidential elections in Belarus: “Intimidation and persecution of political activists, candidates, journalists, media actors, lawyers, labor activists and human rights defenders, as well as the detention of prospective candidates; election fraud; restriction on access to information, including internet shutdowns; excessive use of force against peaceful protesters; arbitrary and unlawful arrests or detentions; beatings; sexual and gender violence; abductions and enforced disappearances; torture and other cruel, inhuman or degrading treatment or punishment, and widespread impunity for all of the above.” (OSCE, 2020 p.3).

As of October 23, 2020, there are over 100 political prisoners in the Republic of Belarus (Viasna, 2020). Notably, the EU has been quick to demand Belarus authorities release “all detained on political grounds before and after” the disputed presidential elections, while expressing its intent to apply sanctions for those responsible for "violence, repression and falsification of election results” (BBC, 2020).
Not surprisingly, there are severe restrictions on the freedom of expression in Belarus. The law on mass media was changed in 2018, since then online media are under stronger control by the state. The access to and the diversity of information in the media is restricted (Amnesty International 2020 p.10; Kolarzik and Terzyan, 2020). The government in Belarus controls the mainstream media as well as the internet, in legal as well as technical ways (Freedom House, 2020). As a result, the state has a monopoly on information, along with ample means for surveillance. Journalists work with the expectation to be monitored by the Committee for State Security. Independent journalists, in particular critical ones, have become subject to fines, threats, detention, assaults, police raids and criminal prosecution (Freedom House, 2020; RSF, 2020). According to Freedom House (2020), the state security is suspected to use wiretapping for surveillance, therefore even private discussions are limited in their freedom. Academic freedom is equally limited, students and staff are under ideological pressure to not oppose the regime, using the degrees and the profession as leverage (Freedom House, 2020).

Online censorship intensified in the wake of the 2020 presidential elections, with the authorities disrupting internet access and restricting content online in response to peaceful protests. Moreover, among others, the blocking appeared to be an attempt to silence information about protests and severe police brutality against their participants (Human Rights Watch, 2020a).

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Source: Author

The State of Civil liberties in Belarus

Major human rights issues in Belarus range from arbitrary arrests and detentions to widespread discrimination and violence against minority groups. While the Council of Europe qualifies the death penalty as cruel, inhumane, and degrading, Belarus remains the only European country to exercise death penalty as a punishment (Corlățean, 2019). The Belarusian Constitution stipulates that the death penalty can be applied for particularly grave crimes (Viasna, 2017). The long list of those stipulated in the Criminal Code of Belarus include: “unleashing or conducting an aggressive war” (Article 122 part 2

According to human rights organizations, more than 400 people have been sentenced to death in Belarus since it gained independence following the collapse of the Soviet Union in 1991 (Radio Liberty, 2019).

In Belarus, there are two main practices accompanying the application of death penalty, that are against the international law. First, the authorities carry out executions in secret and refuse to release the bodies of executed prisoners to their families. Relatives may be informed of the execution by letter weeks or months after the event. Article 175 of the Criminal Executive Code of the Republic of Belarus also allows for the government not to communicate the place of burial of those executed to their relatives (Death Penalty Database, 2014). Second, in the light of massive violations of fair trial standards, including the practices of torture against pretrial detainees, it is reasonable to question the fairness of death sentences (Parliamentary Assembly, 2019).

According to the FIDH-HRC “Viasna” report, throughout investigation and trial, self-incrimination is used by the prosecution as the main evidence of guilt, whilst the right to an effective legal defense is systematically violated. Death sentences may be appealed to the Supreme Court. However, it rarely commutes death sentences and can even hand down harsher verdicts, as was the case for Siarhei Khmialauski in 2015. Death sentences issued by the Supreme Court as a first instance court are not at all subject to appeal, in violation of international norms (FIDH – HRC Viasna, 2016).

Many international organizations, including the European External Action Service have repeatedly called on Belarus to abolish capital punishment (Radio Liberty, 2019). Daniel Holtgen, Council of Europe spokesperson aptly noted that “Death is no justice, and capital punishment does not deter crime” (Hotgen, 2020).
Minority rights in Belarus remain poorly protected with the ethnic or sexual minority groups facing wide and varied forms of discrimination. As stated in a report submitted to the UN Committee on the Elimination of All Forms of Racial Discrimination, “the Roma in Belarus are subject to discrimination, particularly in employment, resulting in exclusion, extreme poverty, criminalization of the country’s Roma population” (Viasna, 2017).

Meanwhile, the government “not only fails to take measures to improve the situation of the Roma population, but also subjects Roma people to repressions for the very fact of their miserable situation” (Viasna, 2017).

As stated in the report of Anaïs Marin, UN Special Rapporteur on the situation of human rights in Belarus, there have been several patterns of racial discrimination against the Roma Minority. It refers to racial profiling by the police, demonstrated through “harassment of Roma children, men and women, including repeated compulsory fingerprinting and arbitrary detention”. Moreover, the Roma people are struggling to obtain identity documents amid huge bureaucratic obstacles on the path to citizenship (UN General Assembly, 2019). Notably, the involvement of the civil society representatives in providing access to education for the Roma community is much higher than that of the government (Zaçellari et al., 2018).

A group of non-governmental organizations including the Viasna Human Rights Centre, have repeatedly urged the Belarusian authorities to immediately put an end to all violence and persecution against the Roma community and to launch an independent and impartial investigation into the human rights abuses that took place in Mogilev, where 300 people were arbitrarily arrested, including 100 detained in raids which specifically targeted this minority ethnic group (International Federation for Human Rights, 2019).

In terms of minority rights, it is necessary to note that LGBT community is one of the most discriminated and vulnerable groups in Belarus amid huge homophobia permeating all segments of the Belarusian society. President Lukashenko went so far as to contend, that it is "better to be a dictator than gay" (Spiegel, 2012).

There are many loopholes in the existing legal framework, that prevent the minorities from exercising their freedoms and rights, including those of expression, peaceful assembly, and association. Worries remain about the prevailing impunity for violating LGBT rights. It has not been uncommon for LGBT people to get rejected and turned away when seeking protection from law enforcement authorities (Eurasian Coalition on Male Health, 2017).

Along with minority groups, migrants and asylum seekers have been among the most disadvantaged groups in Belarus. The 1951 Convention pertaining to the Status of Refugees
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and its 1967 Protocol was adopted by the Belarussian government in 2001. In June 2008, the Republic of Belarus adopted the law *On Granting Refugee Status, Complementary and Temporary Protection to Foreign Citizens and Stateless Persons*, which defines a single mechanism for the consideration of the status of a refugee and reaffirms the non-refoulement principle. Supplementary laws were adopted to ensure the protection of the human rights of the refugees (UNHCR, 2014). Nevertheless, despite the solid legal framework, there is a series of shortcomings in this realm. According to the Amnesty International, Belarussian authorities violate the non-refoulement principle, coercively sending asylum-seekers to their home countries despite ensuing threats and risks (Amnesty International, 2019). In May 2019, the Belarussian law enforcement authorities arrested Russian blogger and human rights defender Ismail Nalgiev and deported him to Russia, despite the likelihood of subjecting him to harm and mistreatment. Nalgiev was one of the activists protesting the land-swap deal between Ingushetia and Chechnya. The protests were forcibly dispersed with the organizers charged with crimes under Article 318(2) and Article 212(3) of the Criminal Code of the Russian Federation (Mhainín, 2019).

Overall, a question may arise as to if there have been significant ups and downs in terms of human rights and political freedoms protection in Belarus.

To answer this question, I have analyzed their annual Freedom House scores from 2008 to 2019, representing the levels of civil liberties and political rights in Belarus on a scale from 1 (most free) to 7 (least free).

**Chart 1: Freedom House Scores of Civil liberties and political freedoms in Belarus from 2008 to 2019**

Clearly, there have been no major shifts or considerable change over the past decade, while Lukashenko’s authoritarian rule has remained intact.
Conclusions

This paper contributes to existing literature on Europe’s “last dictatorship.” Based on the previous discussion, there are a few main concluding observations to make regarding the state of political freedoms and civil liberties in Lukashenko’s Belarus.

First and in terms of the state of political freedoms, the post-soviet political development of Belarus has been marred by a series of authoritarian malpractices, ranging from centralization and personalization of power to extensive crackdown on political freedoms. More specifically, the freedoms of assembly and expression have been severely limited, with the government controlling the media narrative on politically sensitive issues. The opposition has been weak and fragmented, with opposition actors maintained in a ‘ghetto’, tightly managed by the ruling authorities. Moreover, it has not been uncommon for opposition activists to get harassed, threatened and arrested.

Second and in terms of civil liberties, the problems range from arbitrary arrests and detentions to widespread discrimination and violence against minority groups. While the Council of Europe qualifies the death penalty as cruel, inhumane, and degrading, Belarus remains the only European country to exercise death penalty as a punishment. Minority rights, including those of the Roma people and LGBT community remain poorly protected, with the minority groups facing rampant discrimination.

Last, but not least, the turmoil surrounding the 2020 presidential elections in Belarus is the unsurprising consequence of deteriorating state of human rights and freedoms in Belarus, coupled with Lukashenko’s diminishing ability to maintain power or concentrate political control by controlling elections, and using force against opponents. The anti-government protests following the 2020 presidential elections show that the Belarusian opposition and civil society have the potential to challenge the status quo meticulously preserved by Lukashenko. Nevertheless, it would be misleading to treat the successful actions by protesters or even civil society representatives per se as a shift in a robust or “emerging” civil society. Further studies are essential for explaining whether the rise in civic activism a feature of a vibrant civil society is, rather than a “one-time fairy tale.”

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