



## LIVING IN SURVEILLANCE SOCIETY

Searches carried out in offices of the independent mass media in March as well as means taken by the authorities to limit the scope of activities of the Belarusian Association of Journalists once again evidenced how restricted journalists' freedoms are in Belarus. It is probable that freedom of expression will become even more restrained after the new edict aimed to regulate provision and use of the national segment of the Internet will come into force on July 1, 2010. Changes in legal regulation brought by the edict are analyzed by *Yury Chavusau*.

One should not let self be deceived – not only particular groups of society challenging authorities live in surveillance in Belarus. The enforcement of the edict mentioned above will practically mean the legality of invasion of privacy of any ordinary Belarusian since Internet providers will be obliged to store data on rendered Internet services whereas the Executive Analytical Centre under the President will

be endowed with a legal right to supervise the virtual space, including the tap of e-correspondence.

Besides the intensification of the virtual supervision, the society in Belarus incurs constant watch-out in the real life. Starting from children in kindergartens to staff in enterprises – everybody wanting a safe and tolerable living has to comply with certain rules of behaviour. *Pavel Usov* in his contribution presents a detailed picture of this unceasing surveillance performed by ideological structures and educational formations.

Living in a society ensuring freedom of expression makes it hard to imagine how it is to live in permanent surveillance. Therefore, this issue aims to remind what restrictions Belarusians face in their everyday life. Not only it will explain unease and fear prevailing in Belarusian society but, more importantly, make it easier to understand the difficulties for civil society formation in Belarus.

*Julija Narkeviciute, Editor*

## SOON THERE WILL BE LESS PRIVACY IN BELARUSIAN INTERNET?

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On February 1, 2010, President of Belarus Aleksandr Lukashenka signed the edict No. 60 *On Measures for the Improvement of Operation of the National Segment of the Internet*. According to official statements, the edict is to protect interests of citizens, the society and the state in the information sphere, to raise the quality and cut the costs of Internet services as well as to secure further development of the national segment of the Internet. The edict will come into force on July 1, 2010. Meanwhile, some of its provisions, including codification of data of the country's fiber-optic communication lines, will take effect on May 1, 2010. By July 1, 2010 respective state agencies have to prepare regulations necessary for the enforcement of the norms established by the edict.

It has to be stressed that till now the operation and usage of the World Wide Web was rather poorly regulated by the Belarusian law. Suffice to say that there was no common standard of spelling the

word *Internet* while by the end of 2009 there were 1,200 pieces of legislation registered in the national register of legal acts mentioning Internet as a subject of regulation. Legal acts varied in type and nature: the Ministry of Communication defined technical parameters of providing communication services whereas other ministries established procedures of using state institutions' websites to inform citizens, the National Statistics Committee, the National Bank and the Tax Ministry regulated e-commerce, etc. Thus the need for a comprehensive legal regulation was evident.

It is quite common for the legal system of Belarus that legal acts setting foundation for a state regulation in a certain sphere are passed not by the Government or the Parliament, but by decisions of the President. Previous legislators' attempts to regulate relations in the virtual space have failed. For example, the regulation on the operation of computer clubs and Internet-cafes passed by the Government in 2007 dealt only with particular

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issues, it became rapidly obsolete, while many of the clauses were never put into practice.

Edict No. 60 is systemic and covers a wide range of spheres dealing with the Internet. In particular, it regulates e-commerce and e-services provided by Belarusian companies and by foreign companies based in Belarus as well as protects customers' rights in this sphere. It sets common standards for state institutions' websites, provides for the registration of information resources in the national segment of WWW as well as contains a number of clauses aimed at copyright protection and prevention of Internet 'piracy'. The edict is the first effort to ensure access restriction upon consumer request. For instance, on user request an Internet provider is obliged to restrict access to data containing pornography, violence, cruelty and other illegal acts.

However, independent experts expressed particular concern regarding new possibilities to restrict user privacy set by the edict. For instance, from July 1, 2010, in an effort to protect citizens and the state, Internet providers will have to identify Internet users' subscriber equipment, keep records and store data about it as well as about provided Internet services. Procedures of identification of Internet users in public access centres and personal subscriber equipment, keeping records about such equipment, storing personal data of Internet users together with rendered Internet services are to be defined by the Executive Analytical Centre under the President. It seems that previous efforts of the authorities to introduce the system of ID-show in Internet-cafes and registration of all domains visited by the users that failed in 2007 this time will be brought to life.

The edict charges the above mentioned Executive Analytical Centre with functions of a single coordination centre of state control and supervision in the Internet, including the issues of privacy restriction and invasion of privacy. On January 4, 2010, before the edict No. 60 was passed, President Aleksandr Lukashenka signed the law *On Changes and Amendments to Laws of the Republic of Belarus in Order to Tighten Crime Control* vesting the Executive Analytical Centre with the power to perform investigation activities on the territory of Belarus. Among other things, the Centre is entitled to check e-correspondence of Belarusians and monitor actions of Belarusian users in the World Wide Web.

In general, taking the nature of the Belarusian regime into account, the edict will not create qualitatively new mechanisms of surveillance and supervision over Belarusian Internet users. It is rather aimed at legalizing methods of invasion of privacy earlier used by the authorities without any legal grounds. In particular, while putting the regime's political opponents under surveillance, special services used various trap-and-trace devices to read personal e-mails and keep an eye on users' behaviour in the Internet. For example, during the Presidential election campaign in 2006, evidence gathered through the Internet surveillance appeared at least in two politically-motivated criminal cases. The case against the satirical cartoons' authors, who were charged with slander on the head of the state,

contained tapped e-mails and materials testifying involvement of the accused persons in distribution of the cartoons in the Internet. Evidence of similar type was used in the criminal case against the members of the NGO *Partnership* who organized independent election observation during the presidential election in 2006. In general, opponents of the regime believe the authorities have been tapping their e-mail and controlling Internet traffic long before, just as they have been tapping their phone conversations without prosecution warrant.

Thus the edict is mainly meant to regulate and systemize methods of monitoring the World Wide Web which theretofore have been used by the authorities. However, it provides for adopting further instructions and regulations which might create new surveillance mechanisms. In particular, the authorities might choose to establish a system of subscriber identification similar to the one that is functioning in the domain of mobile phone services. In this case subscribers would be required to present identity cards in order to connect to the Internet. Moreover, the edict's provisions on information resources' registration can in by-laws evolve in such a way that even a personal blog would be recognized as a website subject to registration.

However, it has to be realized that the edict has more of a symbolic meaning. This is a sign for all state bodies and agencies that the country's leadership intends to control information flows in the virtual space that earlier used to be relatively unmonitored. Till now Internet media and blogs were relatively unrestrained information sources. Suffice to say that the draft text of the edict appeared in the Net as early as December 2009. It was public' reaction to the original version of the edict that prompted the authorities to correct a number of the edict's most odious provisions and polish it up a bit by 'hiding' the most provocative wording.

Evaluating the content of the edict, the commentary it is accompanied with as well as public discussions among experts, one can come to conclusion that the Belarusian Government chose an extremely strict model of Internet regulation which potentially puts unjustified restrictions on personal privacy. However, this strict model is intrinsic to all modern trends of Internet freedom restriction, including the ones functioning in the West. Therefore, there are no grounds to compare the Internet regulation in Belarus with that in China, Iran, all the more in North Korea or Turkmenistan. The edict rather introduces the regulation model similar to the one put into practice in Kazakhstan.

The edict binds respective institutions to work out a draft law aimed at determining administrative, criminal and other forms of responsibility for violation of the edict No. 60 and other legislative acts regulating the usage of the Belarusian segment of the Internet by the end of 2010. It means that for the time being the state only paid its attention to the virtual space. However, it has more serious plans for the future.

The Belarusian regime has built an effective system of political surveillance by engaging the citizens into it, by making them part of the control apparatus.

## POLITICAL AND SOCIAL STRUCTURES IN THE SYSTEM OF POLITICAL CONTROL IN BELARUS

*Pavel Usov, New Europe*

The system of political control is an integral part of any undemocratic regime. On the one hand, it determines stability and power of the regime by disclosing and neutralizing domestic enemies. On the other hand, a system of control demonstrates the level of regime consolidation and possession of sufficient resources necessary to launch control mechanisms.

During the last 10-12 years the Belarusian regime has been incrementally encroaching on citizens' freedoms by establishing an effective system of political control penetrating the entire public sphere. Only private life remains unregulated - an individual is within his/her own rights to live up outside the ideological framework. Naturally, 'individual freedom' ends where public/political activity begins. Any person involved in public activities running counter to authorities' interests would immediately get under close surveillance and, consequently, the all-round pressure of the Belarusian political system.

Political surveillance and control in Belarus is only partially based on state machinery of repression comprising the KGB, the Ministry of Internal Affairs, and the President's security service. The Belarusian regime has built an effective system of political surveillance by engaging the citizens into it, by making them part of the control apparatus.

In order to reinforce the surveillance system, the regime has created a number of pro-governmental NGOs meant to politically mobilize the population and make the political control easier to conduct. Here are the best known pro-governmental NGOs: *BRSM* (Belarusian Patriotic Union of Youth), *Belaya Rus*, *Federation of the Trade Unions of Belarus*.

Engagement of public organizations, staff of schools, universities and state institutions reinforces the network of control and creates a climate of distrust and fear. This leads to internal disunity and atomization of the society. Having no trust to each other, Belarusians are not able to demonstrate solidarity or defend each other from Government's pressure. A natural outcome is a considerable drop in public activity. People prefer staying away from political or public actions 'unauthorized by the Government'.

Thus the ultimate goal of the Belarusian regime is to build up population's loyalty even if it is expressed in mere silent consent to authorities' actions. Realization of this goal requires establishment of comprehensive surveillance mechanisms permeating the political sphere, including activities of the opposition, as well as other spheres of public life not directly linked to politics. Education and state-owned industrial sector are the spheres under the highest supervision.

As for the education system, the state control over this sphere is by no means accidental. Youth is the most dynamic group of the society and mostly inclined to challenge established foundations of state and society. In many undemocratic countries it was the youth that became a key factor for political changes and transformation. Seeking to prevent anti-state moods and involvement of young people in oppositional movements and organizations, the system of education is a network of supervision, control and mobilization structures.

Work instructions for educators point out: 'Special attention has to be paid to the formation of political and legal culture among students as well as to the development of socially acceptable behaviour patterns and social responsibility. Educators must improve their work with youth leaders, hold regular explanatory and information events'<sup>1</sup>.

Government bodies together with administration and academic staff of all scholastic institutions have to be involved in the above mentioned educational activities: 'Corresponding Government bodies and education establishments are to coordinate their actions aimed at prevention of unregistered oppositional and radical organizations' activities among youth, in an effort to prevent involvement of young people in illegal and unsocial actions'<sup>2</sup>.

The following pro-governmental NGOs function in all schools and universities of Belarus: BRPO (Belarusian Pioneer Organization) with a membership of 490 thousand members and BRSM that musters 526 thousand members. Their main goal (we are talking primarily of BRSM that covers youth aged 16-30) is not only to keep students from participation in the opposition groups but also to involve them into activities of pro-governmental structures.

In fact, unofficial membership in these organizations has become obligatory since non-participation or refusal to join is perceived as a sign of political unreliability. These nonconformists get under close attention of school administration which considers them as potential opposition members.

The situation looks even worse in secondary schools which are smaller in size making it easy to monitor membership in pro-governmental organizations. According to directives set for secondary schools, over 50% of pupils have to become members of the BRSM. Students refusing membership are

1 Деятельность оппозиционных молодежных организаций в Республике Беларусь. МГУ им. А.А. Кулешова. 2006- г. Могилев, с - 16.

2 Деятельность оппозиционных молодежных организаций в Республике Беларусь. МГУ им. А.А. Кулешова. 2006- г. Могилев, с - 16.

**We have a right to hope that under the direction of the new minister of culture Pavel Latushka, expert of both national culture and world culture heritage, Minsk international festival Listapad will only improve and get rid of its past drawbacks.**

regularly oppressed, threatened to graduate with low marks in their diplomas, let alone preventive conversations with pupils and meetings with parents. The actions of pro-governmental structures combine psychological influence, suppression of the own will and obtaining of obedience. It is absolutely unnecessary to make a person believe in the ideas of the organization. Strict obedience is a lot more important. In other words, people can think whatever they want, but must do only what they are told to.

Ideology is yet another element of political control. All state institutions and enterprises, higher education establishments and secondary schools have ideology divisions. State ideology is meant to create a strong effect on people's consciousness and generate the increase of loyalty to the regime. The mission is performed by the so-called 'ideological workers' and 'propaganda-information groups' that organize regular 'educational' work with students and workers. Alongside with the ideological functions, these workers perform the following political tasks:

- collection and analysis of information regarding political opinions among students and workers;
- preventive conversations with 'politically unreliable' members;
- provision of information to the bodies responsible for dealing with disloyal groups of population (KGB);
- organization and monitoring of election campaigns, i.e. securing turn-out and participation of students and workers in voting.

Political control grows stronger due to the practice of 'squealing' spread both among workers and academic circles including students and teachers. For instance, college teachers are supposed to monitor and suppress critical remarks made by the students about the socio-economic and political situation in Belarus as well as to hold 'preventive conversations' with such students.

Administrations of state run institutions react rigorously to students' and workers' membership in oppositional organizations or independent trade

unions. Such activity is suppressed as incompatible with state institutions' work and leads to dismissal or expulsion.

Thereby, with the help of a wide range of social structures the political regime exercises full control over the most important social spheres and attains important long term objectives. First of all, surveillance mechanisms form patterns of correct behaviour and monitor citizens' compliance with them. Thus 'detection' and prevention of dissent and opposition activity is guaranteed. Second, a far reaching political control apparatus facilitates the recruitment of citizens to pro-governmental structures as well as takes measures against those having independent opinions.

As the 'opposition environment' is infiltrated with numerous agents of the regime, the authorities and administration of state run structures are well informed who of the group members take part in opposition activities. Moreover, organizations in opposition lack competence and responsibility in their work with members and volunteers. Functioning in rough conditions of strict political control and surveillance, oppositional organizations continue to act according to the legal norms established by the regime. Particularly it concerns registration of political parties and NGOs, when the leadership submits lists of members to the Ministry of Justice, which forwards the information to the KGB. Thus political parties expose their members directly to the authorities. While they consider the Government unlawful, the majority of opposition parties and organizations value official registration more than security of their members.

Obviously, in such circumstances we can hardly expect people, even those unhappy with the regime, to join the parties in opposition. Meanwhile, the opposition forces are extremely inefficient in rendering assistance to those oppressed by the authorities or supervisors. In other words, we observe the lack of collective solidarity among the opposition.

The events of the recent years demonstrated high efficiency of the system of political surveillance and control established in Belarus. The authorities show no intention to abandon the practice of suppressing dissent.

**Opinion expressed by the authors of "Bell" does not necessarily correspond with that of the Eastern Europe Studies Centre.**



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