

EaP CSF Monitoring Mission: Belarus - political and societal developments after the presidential elections

#Belarus

September 2020



Methodological Note

The EaP CSF Monitoring Mission to Belarus was formed based on the suggestions of the EaP CSF Belarusian National Platform (BNP) with the support of the EaP CSF Steering Committee and the participation of experts representing EaP CSF members. Its task was to monitor all stages of the 2020 presidential election, from the calling of the election by the House of Representatives of the National Assembly on May 8 to the announcement of the final election results by the Central Election Commission (CEC) on August 14, paying particular attention to the adherence of the authorities to political and human rights standards, and the civil society and media environment. It also took note of further political and societal developments in the post-election period when drafting its final report.

For the full Mission methodology, please see Annex I.

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EAP CSF MONITORING MISSION TO BELARUS

POLITICAL AND SOCIETAL DEVELOPMENTS AROUND THE 2020 PRESIDENTIAL ELECTION

FINAL MONITORING REPORT

EXECUTIVE SUMMARY

The results of the assessment of the EaP CSF Monitoring Mission to Belarus indicate that the August 9 presidential election in the Republic of Belarus cannot be considered free or fair due to a number of gross violations of democratic norms and standards. During all stages of the electoral process, the Belarusian authorities failed to respect and preserve the human and political rights set out in the International Covenant on Civil and Political Rights (ICCPR) and the 1990 OSCE Copenhagen Document, as well as in the Constitution of the Republic of Belarus.

Legal framework

The current legal framework outlining the conduct of the presidential election is not in line with Belarus' OSCE commitments or international standards. It has been consistently criticised by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), following the findings from previous international observation missions in Belarus. The Electoral Code in particular falls well short of complying with the 1990 OSCE Copenhagen Document.

The lack of impartiality of the election administration at all levels has been widely observed, allowing selective and discriminatory decisions adopted in favour of the incumbent president. At the same time, during the pre-election period and the election campaign, multiple cases of the use of administrative resources have been reported by local observers.

The Belarusian authorities consistently violated the right to peaceful assembly and hindered meetings with voters of alternative candidates and their teams. Intimidation of electoral actors and participants of meetings, arbitrary detentions, and arrests under far-fetched administrative and criminal charges have accompanied all the stages of the electoral process. Moreover, a significant number of gross irregularities during voting and counting of the votes proved a severe lack of transparency.

Deliberate actions by the authorities in Belarus created obstacles for the OSCE/ODIHR to carry out a fully-fledged long-term observation mission in order to assess all the stages of the electoral process. Despite the absence of international observation missions on the ground, local monitoring and observation initiatives (notably the 'Human Rights Defenders for Free Elections' campaign coordinated by the Human Rights Centre Viasna and the Belarusian Helsinki Committee,

the ‘Right to Choose’ campaign of 8 opposition parties, ‘Naziranne.by’ organised by the ‘Tell the Truth’ movement and “Honest People”, and initiatives by NGO Zviano, Human Constanta, and others) managed to compile a comprehensive account of widespread irregularities and political rights abuses which put into question the official election result announced by the Central Election Commission (CEC) on August 14.

Taking into account the violations reported by independent observers during the counting and tabulation of the results, it can be concluded that the Belarusian authorities severely infringed on paragraph 7.4 of the 1990 OSCE Copenhagen Document and article 25 of the International Covenant on Civil and Political Rights.

Despite a large number of petitions and complaints about violations of the Electoral Code, lodged by the Belarusian human right activists, these did not have a noticeable impact on election procedures during various stages of the election.

Media freedom

The current media environment in Belarus is very restrictive in terms of freedom of speech, and does not ensure the safety of journalists or their ability to work without interference. In general, since the start of the election process, the Belarusian Association of Journalists (BAJ) has registered 133 cases of serious violations of the rights and freedoms of journalists. These included detentions, arrests, beatings and fines. The MFA of Belarus also deliberately delayed the temporary accreditation of approximately 30 foreign media outlets in order to prevent them from observing the election process. Against this backdrop, two teams of foreign journalists (from *TV Rain* and *Current Times*) were expelled from Belarus for working without accreditation.

During the pre-election and election campaign stages, alternative candidates received disproportionately less attention and were presented negatively on state-funded media. The incumbent was portrayed in a positive manner while other presidential nominees - those who were indeed mentioned - were afforded largely negative descriptions. Monitoring by the BAJ reports cases of biased coverage, information distortions, as well as selective or fragmentary presentation when it comes to coverage of the election actors in state-run media.

More balanced coverage of the presidential elections could be found in independent media, where news and analysis were devoted to electoral candidates and presidential nomination seekers, as well as the incumbent, across different stages of the electoral process.

During the five days of early voting and on election day itself, numerous witnesses reported that journalists were forced out from polling stations without a proper reason or explanation. To aggravate things, on August 9, twenty-two journalists were detained - some of them in a brutal manner. During the crackdown on protesters between August 9 and 11, seven journalists were beaten and injured. Internet disruption organised by the Belarusian authorities over that same period restricted the access of Belarusians and foreign citizens to independent online media and social networks. As of August 12, twenty-five Belarusian journalists and media representatives remained in police detention across Belarus.

Civil society environment

During all stages of the August 9 presidential election, there was an unprecedented level of civic activity and mobilisation, both in Minsk and in the regions, which in turn had a significant influence on the campaign's dynamics and results.

Many civic initiatives and NGOs launched monitoring and advocacy campaigns aimed at raising awareness, and protecting human and political rights. Human rights organisations continued to monitor the electoral process, and to create online trainings and webinars.

In response to the growing number of arrests and fines against human rights defenders, journalists, bloggers and activists, Belarusian civil society launched the 'BY_Help' initiative. At the same time, active cooperation between civil society, new political movements, and the IT sector gave rise to new initiatives aimed at protecting people's vote. The *Golos* and *ZUBR* platforms helped to facilitate an alternative vote count and the process of independent observation.

In the post-election period, tens of thousands of Belarusian citizens were engaged in different solidarity actions with those detained or affected by police violence, and strikes of large state-owned enterprises also took place. This large-scale mobilisation is a clear indication that civil society in Belarus is ready to actively participate in the decision-making process and to protect its right to vote.

The mass protests which erupted on the evening of August 9 were mostly of a peaceful and spontaneous nature. The crackdown on peaceful protesters by Belarusian law-enforcement bodies was explicitly characterised by the arbitrary and disproportionate use of force, the unwarranted use of special equipment, and unlawful detentions and arrests. The authorities reported shocking numbers of arrests, with more than 6,700 people detained across the country between August 9 and 11. The number of those detained by the KGB of Belarus has not been disclosed, while the fate of many more people is also still unknown.

Human rights defenders report numerous cases of torture and ill-treatment of detainees by the police and special forces, including in temporary detention centres. Despite the high number of complaints against police officers and the obvious facts of human rights violations by them, the authorities have not opened a single criminal case to investigate such allegations. Cases against protesters on charges of preparing for or participating in riots, however, have indeed been actively initiated on large scale.

International solidarity and support

The European Union, the United States of America and numerous other states have expressed their concern over the excessive and arbitrary use of force against protesters, and have declined to recognise the official results as the true outcome of a free and fair electoral contest. At the same time, they have called on the Belarusian authorities to initiate a genuine and inclusive dialogue with broader society to avoid further violence. Some EU member states, as well as EaP partner states, both on the public and civic levels, have expressed solidarity with the Belarusian people and have actively considered policies to support the peaceful resolution of the situation.

Upon monitoring the development of the situation in Belarus, the experts of the EaP Monitoring Mission have provided a list of specific demands to the Belarusian authorities in order to restore violated human and political rights, and to seek an inclusive and legitimate solution to the current political crisis, provoked by the falsification of the election results and by widespread violence against peaceful protesters.

The Mission team has also elaborated concrete policy recommendations, addressed towards different stakeholders in the EU institutions, EU member states, and EaP partner states, while a separate set of decisions has been proposed to international organisations and civil society.

The policy options formulated in the recommendations below are based on the assumption that post-election political events and developments might evolve along various scenarios. Indeed, they depend on the readiness of the Belarusian authorities to call new elections and engage cooperatively in constructive dialogue with representatives of the Belarusian people, civil society and other relevant Belarusian stakeholders.

RECOMMENDATIONS

GENERAL RECOMMENDATIONS

To the Belarusian authorities:

- Cancel the results of the August 9, 2020, presidential election due to massive violations that occurred at all stages of the electoral process;
- Organise new presidential elections within a reasonable timeframe, preferably under the conditions of an improved electoral legislation and with unrestricted access for domestic and international observers;
- Release all political prisoners, as well as all persons accused of committing administrative and criminal offences related to the election campaign, election and post-election period;
- Investigate all cases of torture, cruel and inhuman treatment, and deaths of protesters that took place in the context of the election campaign period and after the elections;
- Prevent escalation between protesters and law-enforcement bodies by refraining from the disproportionate and unlawful use of special equipment against peaceful protesters.

To the EU institutions:

- Continue to express solidarity with the Belarusian people and call for dialogue and negotiations between the current authorities and representatives of the Belarusian

people. Ensure that no negotiations are conducted without representatives of the Belarusian authorities and the protesting population;

- Call for the conduct of a new presidential election as soon as possible;
- Coordinate future steps with major actors such as the USA, as well as with the OSCE chairmanship, in order to have a greater chance of influencing the Belarusian authorities;
- Do not concede EU leadership in the facilitation of the peaceful resolution of the current political crisis in Belarus to Russia. Since Russia exerts a crucial influence on political developments in Belarus, a joint mediation group of the EU and Russia could be a possible option, if its mandate is legitimised both by the Belarusian authorities and by representatives of the coordination body advocating on behalf of the population whose votes were stolen;
- Be clear and vocal about the measures to be adopted *vis-à-vis* Russia if it violates the sovereignty and territorial integrity of Belarus;
- Reroute funding away from state institutions, and stop the implementation of any EU-funded cooperation projects (including those implemented via IOs) that involve the Belarusian authorities engaged in the recent falsification of elections and mass repressions, until the proper investigation of the role of these institutions in the election campaign, the election itself and post-election crisis is conducted. Such bodies include the CEC, courts, law enforcement agencies, Ministry of Education and other public agencies. Decisions on funding should be made bearing in mind not only the individual sanctions lists adopted by the EU, but also broader lists of those who have committed crimes and violations, as compiled by local and international organisations and CSOs;
- Consider imposing targeted economic sanctions against the regime of Aliaksandr Lukashenka if the main calls of the Belarusian population to the authorities - namely demands for a new election, for dialogue with civil society and the political opposition on the resolution of the crisis, for the release of political prisoners, and for independent investigations into all crimes committed during the election campaign, the election itself, and the post-election period - are not met within six months. Following the framework of the UN Guiding Principles on Business and Human Rights, the EU institutions should also issue recommendations for EU-based companies working with Belarusian state-owned enterprises or companies supporting the regime, on ensuring that their Belarusian partners and suppliers comply with international norms on human rights. They should also recommend reconsidering cooperation and trade in cases where violations include pressure on workers for their political positions and continuous politically motivated lays-offs;
- Limit cooperation with the senior political level of the Belarusian authorities within the multilateral framework of the Eastern Partnership if the regime does not demonstrate a cooperative stance towards delivering on the European Council

conclusions of August 19. Such steps should be taken when planning the next EaP Summit in March 2021 and the meeting of EU and EaP foreign ministers preceding the EaP Summit. At the same time, cooperation at the EaP operational level (EaP Platforms and panels) must be preserved;

- Keep communication channels open, including by maintaining and strengthening the EU-Belarus Human Rights Dialogue and the EU-Belarus Coordination Group, bearing in mind their importance as platforms for meaningful exchanges. An Emergency Human Rights Dialogue should be convened as soon as possible to discuss the recent violations of human rights. In case the Belarusian authorities decide to forgo this opportunity for dialogue, the EU should continue to engage with Belarusian civil society and other relevant stakeholders who represent the Belarusian people in this crisis situation;
- Use parliamentary diplomacy to exert a peer pressure on key political stakeholders in Belarus. A rapporteur in charge of drafting a special report on human rights abuses during the election and the post-election period in Belarus should be appointed under the framework of the Working Group on Belarus of the Euronest Parliamentary Assembly. This should be in addition to the upcoming regular report drafted by the standing rapporteur, and should involve the advanced EaP partners in the process;
- Include regular discussions on the situation in Belarus on the agenda of European Parliament plenary sessions and AFET Committee meetings. Hearings with regular updates on the situation in Belarus should also be organised;
- Preserve the current approach of the Euronest Parliamentary Assembly towards the Belarusian Parliament without changes until significant positive developments in Belarus take place.

To the EU member states and EaP partner countries:

- Refuse to recognise the results of the August 9, 2020, presidential election in Belarus and call for a new presidential election to be held. Such actions should be accompanied by active support for the peaceful and inclusive resolution of the current political crisis;
- Consider mirroring individual sanctions imposed by the EU on the exponents of violations of the electoral process and human rights, following the example of the government of Ukraine. This should be contemplated by the governments of Georgia and Moldova in particular;
- Increase the presence of the diplomatic corps of the EU member states in Belarus, in order to allow for better information about the situation on the ground - especially at this time, when foreign and independent media are being stripped of their accreditation or indeed refused accreditation in Belarus. This diplomatic presence

would also serve as an additional restraining factor against the repression of the Belarusian population;

- Seek informal channels of communication, and hold unofficial talks on the release of political prisoners and on facilitating dialogue between the authorities and the Belarusian population, using prominent figures as mediators. The Cox-Kwasniewski mission to Ukraine (2011-2014) launched by the European Parliament to free opposition leaders under the regime of Viktor Yanukovich, can serve as an example. The mission should be devised and coordinated in cooperation with representatives of the Belarusian people.

CONDUCT OF THE NEW PRESIDENTIAL ELECTION

When the new presidential election is organised, the implementation of the following recommendations would help bring impartiality and lawfulness to the electoral process.

To the Belarusian authorities:

- Recognise the responsibility to defend and protect human rights, and especially political rights, in accordance with the international commitments laid out in such documents as the International Covenant on Civil and Political Rights (ICCPR) and the 1990 OSCE Copenhagen Document;
- Adopt prompt measures for enhancing public confidence in the election administration. Such measures could include the revision of the mechanism for the appointment of members of the CEC, as well as for the selection of Territorial Election Commission (TEC) and Precinct Election Commission (PEC) members among the persons nominated by election candidates, thus ensuring the commissions' independence, pluralism and impartiality;
- Guarantee unrestricted access for citizen and international observers throughout the electoral process. In addition to the currently provided rights, observers must have access to voter lists, be allowed to closely observe the counting and tabulation of the results, and be given a certified copy of the protocol, if requested. Additional safeguards should be included in the Electoral Code to ensure that no decision of the CEC, lower electoral bodies or other authorities attempts to limit the rights of citizen observers. Invitations for international organisations should be sent in due time, but not later than 3 months ahead of election day (except for early elections);
- Refrain from the arrest and detention of candidates, their proxies, as well as members of their teams during the election campaign, except for situations when the person is accused of serious crimes;
- Consider abolishing the possibility of early voting, or at least consider the limitation of this practice, for example by organising a limited number of dedicated PECs for early voting within each TEC (thus ensuring the truly exceptional character of this voting procedure). Stricter requirements to qualify for early voting should be

adopted, and the same safeguards should be applied during the early voting period as on election day itself (for example, PECs should be in quorum in both instances);

- If the early voting is retained, direct the election management bodies to enhance the transparency and accountability of election results by completing a single protocol, which should be publicly displayed in the polling station during early voting and until the end of the count. In all cases, disaggregated data should be published from each polling station;
- Allow for unimpeded conduct of campaigning activities, permit the conduct of rallies and other mass events in all public places, except for a narrow list of places where such events may be prohibited due to legitimate security concerns;
- Secure the integrity of the electoral process through the introduction of safety features to ballot paper, since currently there are none. Printing a unique code on the ballots, assigned to a single PEC, is one measure which should be actively considered;
- Provide detailed and transparent counting and tabulation procedures within the Electoral Code, allowing for meaningful observation. Consideration should be given to announcing and displaying the choice on each ballot, while the simultaneous counting of votes should be prohibited.

To the OSCE/ODIHR:

- Support reform of the Electoral Code and capacity building for election officials when the new election is called. OSCE technical support (institutional and training) will be needed for the transition of power within the Central Election Commission. A full-fledged international observation mission composed of both long-term and short-term observers (LTOs and STOs) and a strong core team focused on the work of the CEC (but not exclusively) is a core precondition to bring transparency and impartiality to the election process;

COMPREHENSIVE ELECTORAL REFORM

To the Belarusian authorities:

- Initiate an inclusive process for the development of a comprehensive electoral reform package in the post-election period, addressing previous OSCE/ODIHR and Venice Commission recommendations, as well as the recommendations of citizen observers and other relevant stakeholders;
- Reconsider the residence condition imposed on the Presidential candidates, since it infringes upon paragraph 15 of the 1996 UNHRC General Comment No. 25 to the ICCPR and paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document;

- Ease the procedure for candidate registration by reducing the number of signatures required to 1% of the total number of registered voters, or by establishing an alternative method, such as an affordable yet refundable money deposit. All signatures should be subject to a transparent and objective verification process;
- Consider developing and implementing a centralised voter register that would ensure the accuracy of voter lists. Voter lists should be administered by a single entity – the Central Electoral Commission – and must be published by lower-level electoral bodies so that voters are able to inspect them ahead of election day and request changes to their information. Observers and candidate representatives should be given access to voter lists;
- Allow for unimpeded conduct of campaigning activities. In particular, the reviewed electoral legislation should permit the conduct of rallies and other mass events in all public places, except for a narrow list of places where such events may be prohibited due to legitimate security concerns;
- Regulate political advertising in electoral legislation and ensure equal access of candidates to various forms of advertising (outdoor advertising, media advertising, distribution of booklets, leaflets and posters, etc.);
- Enhance the integrity of the voting process by providing each PEC with unique stamps, uniform translucent ballot boxes and numbered ballot box seals. Ballot papers should also contain additional safety features;
- Introduce training for PECs, focusing especially on counting and tabulation procedures;
- Modify the Electoral Code to allow every voter or candidate to file complaints and appeals against any decision adopted by the electoral commissions that resulted in the infringement of their electoral rights. Deadlines for examination of complaints should be established in the Electoral Code. The CEC should consider publishing general information on applications and complaints on its website in a timely manner.

To the EU institutions, EU member states and the OSCE/ODIHR:

- Consider providing financial assistance for the implementation of an electoral reform package that would have the consensus support of all relevant stakeholders, both for the new presidential election and for the comprehensive reform of the electoral framework. Such support should be conditioned on the cooperation of the authorities with non-state actors on the development of amendments to the relevant legal framework;
- [OSCE/ODIHR and Venice Commission] Provide technical assistance to the Belarusian authorities for the development and implementation of comprehensive electoral reform;

- [EU member states and EaP partner countries] Contribute to electoral reform by sharing relevant experience on reform of the electoral law, judiciary system, and more. The experiences of Central and Eastern European states could be particularly useful here.

MEDIA FREEDOM

To the Belarusian authorities:

- Stop pressuring Belarusian independent media, ensure the uninterrupted publication and dissemination of printed publications, and unblock access to the websites of foreign and Belarusian media as well as human rights NGOs;
- Release all detained journalists and media representatives charged with committing administrative and criminal offenses related to the election campaign, election, and post-election period;
- Cease pressuring, and respect the rights of striking employees of Belarusian state-run media, including by reinstating illegally dismissed workers and respecting their right to strike;
- Grant immediate access to Belarus to all foreign media outlets which apply to the Ministry of Foreign Affairs of Belarus for accreditation according to the correct procedure. Their right to unhindered work and security must be guaranteed by the authorities;
- Stop the existing practice of expelling foreign journalists from the territory of Belarus. Their deportation, even due to the absence of Foreign Ministry accreditation, should be stopped;
- Amend the Media Law of Belarus, as it currently lacks essential safeguards for freedom of speech. The Belarusian Association of Journalists and international media experts should be invited to take part in drafting new amendments. Core changes should be introduced, including simplifying the procedure of media registration, reducing the possibility to close media outlets without the approval of a court of law, and creating an environment for the independent self-regulation of the media. Additional legal work should be done to lift restrictions on online media freedom and as well as on the activity of foreign media in Belarus;
- Lift all restrictions on contacts between the representatives of the Belarusian authorities/public agencies and the media. Currently, there is an unofficial ban on any contacts between civil servants and independent media.

To the EU institutions, EU member states and EaP partner countries:

- Facilitate, via available official and unofficial channels, the process of obtaining accreditation from the Belarusian MFA for media from respective countries in order to provide reliable information and sufficient coverage from the ground;

- Provide financial and technical support to independent media outlets which suffered from the unlawful actions of law-enforcement agencies (including the damaging or confiscation of equipment and the detention, shooting or torture of their staff). New support schemes for Belarusian independent media should be enacted;
- Increase funding to independent media to counteract the growing disinformation coming to the Belarusian population from official TV channels and other state media;
- Elaborate a simplified procedure for Belarusian journalists to receive visas for EU member states;
- Launch medical rehabilitation schemes for journalists in the EU member states;
- Support international fact-checking initiatives with the participation of Belarusian experts to counter the official propaganda and disinformation used by the Belarusian leadership against neighbouring EU and EaP states (namely Lithuania, Poland, and Ukraine). These initiatives should be oriented around debunking false narratives and raising awareness. With the same aim, Belarusian independent media could be invited to neighbouring NATO member states to be provided with objective information about military drills or other actions by NATO on the Eastern flank.

CIVIL SOCIETY ENVIRONMENT

To the Belarusian authorities:

- Seek a peaceful resolution of the current political crisis, demonstrating genuine engagement in dialogue with civil society and political initiatives. This dialogue should be inclusive and transparent;
- End the criminal prosecution of members of the Coordination Council seeking dialogue with the Belarusian authorities, as well as other of civil society activists and members of striking committees at state-owned and state-run enterprises;
- Allow the EU member states and EaP partner countries to run emergency programmes of medical and psychological rehabilitation for victims of violence within Belarus or outside the country;
- Revise the legislation on peaceful assemblies in line with the requirements of the International Covenant on Civil and Political Rights, as well as the OSCE's Guidelines on Freedom of Peaceful Assembly. Belarusian civil society experts must be included in relevant working bodies;
- Simplify the registration process for political parties and public associations in order to facilitate the exercise of civic and political rights;

- Abolish the mandatory registration of civic initiatives and the administrative liability for participation in the activities of unregistered organisations, in line with article 22 of the International Covenant on Civil and Political Rights;
- Remove restrictions on obtaining foreign aid, including limitations on the types of activities which can be supported and the mandatory registration of such funding.

To the EU institutions, EU member states and EaP partner countries:

- Consider emergency support for Belarusian civil society, especially with regard to the protection of civil rights, and assist those who have been imprisoned, detained, laid off for politically motivated reasons, and who have voluntarily stepped down from their positions for political reasons (including employees of government agencies, the army, the police, the judicial system, state TV and other media, schools, universities, etc);
- Provide technical and financial support to civil society organisations to conduct independent domestic election observation;
- Raise the existing restrictions on foreign funding for civil society organisations with the Belarusian authorities (bilaterally or in a multilateral format);
- Continue supporting Belarusian civil society and independent media (see recommendations for donors). As a special area of support, the EU member states may consider organising an emergency programme of medical and psychological rehabilitation for victims of violence within Belarus, and in EU member states;
- Create humanitarian corridors to provide shelter for Belarusian citizens who fear for their life, health and wellbeing. EaP partner countries such as Ukraine should also consider establishing humanitarian corridors. Such initiatives could be supplemented by simplified legal procedures to obtain work and residence permits and access to the social and health care system;
- Consider launching new projects/programmes for supporting civil society and independent media within the existing initiatives of regional cooperation in Central and Eastern Europe, like the Visegrad Four (Czechia, Hungary, Poland, Slovak Republic) via the International Visegrad Fund, or the Lublin Triangle (Lithuania, Poland, Ukraine);
- Foster further people-to-people contacts by establishing student exchanges and other academic programmes for scholars which will allow Belarusian young people, academics and teachers affected by the violent or unlawful actions of the Belarusian authorities to continue their studies and professional development. Offering free national visas (where applicable) for certain groups of citizens, namely students, academics, NGO workers etc., should be considered.

To the OSCE/ODIHR:

- Summon and deploy a monitoring mission to Belarus to monitor the trials of those that have been detained during peaceful demonstrations, as well as those that will have criminal cases launched against them in the near future;
- Launch a temporary working group under the auspices of the OSCE Representative on Freedom of the Media with participants from international civil society and Belarusian human rights organisations. This working group could be engaged in the assessment of the current civil society and media environment in Belarus, and propose a set of recommendations for improving the legal and institutional framework in the media and civil society domain. *Inter alia*, this body could be employed in providing amendments to the country's media legislation.

To international civil society:

- Show solidarity with Belarusian civil society and use existing NGO platforms to amplify the voices of Belarusian colleagues;
- Use civic instruments to address national governments and other decision-makers in relevant countries. This approach could be operationalised in various forms, from open online statements to expert briefings to government representatives and MPs;
- Demonstrate solidarity with sectoral counterparts in Belarus, following the recent example of video addresses from the Independent Trade Union of Miners of Ukraine (KVPU) to Aliaksandr Lukashenka. Such sector-focused appeals may add significantly to the chorus of international pressure on Belarusian authorities;
- Reach out to the civil society networks of international organisations such as the OSCE, the UN, and the CoE to involve them in awareness raising campaigns and lobbying decisions at the governmental level;
- Increase the interdependence between EU and Belarusian civil societies in the long run by engaging regularly with Belarusian partners and including Belarusian organisations in new and existing pan-European and Euro-Atlantic coalitions and cooperation programmes.

RECOMMENDATIONS FOR INTERNATIONAL DONORS

Emergency support:

- Support the work of Belarusian human rights defenders, especially with regards to the provision of legal aid, building evidence of unlawful actions and violence, monitoring of detention facilities, and trial monitoring;
- Support independent media, including via financial support to replace equipment destroyed or confiscated by the police;

- Consider providing institutional support to volunteer initiatives, including those that collect funds for legal, psychological and medical support for victims of repression. The financial support for coordinators of the initiatives as well as their consultations on planning, organisational development and communications are needed;
- Assist independent trade unions and workers who have suffered due to their political convictions, including through the provision of financial support and re-qualification programmes;
- Facilitate security training for CSOs and media organisations. Such training should include physical and psychological security, as well as the protection of equipment and data;
- Foster community-building initiatives, including programmes that aim to build trust to avoid the political polarisation within the country.

Programming priorities:

- It is important that new support builds upon the successes of the previous programming while addressing the current needs of civil society and newly mobilised citizens. While the country is undergoing significant changes, fields such as human rights, anti-discrimination, and the protection of minorities will need stable support;
- Increase support for programmes aimed at facilitating civic engagement and participation in order to capture this social energy that has been unleashed throughout this election campaign;
- Consider increasing **support for women's rights** and women's self-organisation in light of the central role of women in the ongoing social mobilisation in Belarus;
- Invest in **civic education** and the development of essential skills such as critical thinking and fact-checking by: a) supporting the design of modern curricula as well as training for teachers so that they can benefit from new technologies, focusing primarily on teachers who mobilise and want to bring about change to the educational system; b) supporting the design of innovative and engaging online courses, as well as content for social media platforms, making use of new technologies and new methods of work like gamification;
- Support for all sectors of alternative education, including private schools, educational initiatives of private enterprises (for example IT sector) and civic education. Support for alternative education for schoolchildren is needed, since many parents and schoolchildren themselves are disappointed with the current education system and with the role of some school administrations and teachers in the falsification of election;



- Reinststate **arts and culture** as an important priority in programming, since culture helps to develop and maintain the social fabric while being an efficient vehicle for the transfer of values;
- Consider supporting **research and sociological studies** that aim to discover the values, beliefs and needs of the Belarusian people, taking into account the new wave of civic activism;
- Focus on supporting those organisations which offer services that are beneficial to the entire CSO community, like crowdfunding platforms, petition platforms, training centres etc.;
- Support **independent media** as a reliable source of information. Invest in content creation, providing both training for journalists, with respect to improving their understanding of the market, distribution channels and the readers' needs and institutional support for media organisations, so that they can afford to invest in the non-journalistic personnel that they need to improve content and monetisation - namely graphic designers, marketing and sales professionals;
- Foster the development of new channels of distribution which build upon informal networks, Telegram and other social media platforms;
- Keep in mind the importance of maintaining an **offline presence** when financing online media activities. Engagement via radio, events, conferences, and the physical presence of local media on the ground (regional offices) develops a different type of audience involvement while being a good contingency plan for situations when mobile networks and the internet at large are down;
- Support **regional and local media** outlets, as they play a key role in community building at the local level. Support cooperation and the fostering of partnerships between local media and community organisers.
- Encourage **cross-sectoral cooperation** and the creation of networks and partnerships between civil society, business, media and local government. Building upon the successes of this election campaign, support namely the development of cooperation between civil society and business, including the IT sector;
- Support platforms for dialogue - conferences, hackathons etc. - which help to build trust and foster cooperation and the development of joint projects;
- Facilitate the exchange of expertise and technology between civil society and businesses, including knowhow and sociological research;
- Assist CSOs in gaining greater business acumen in order to foster their understanding of how to work with business and how to find a common language.
- When designing CSO-local government cooperation programmes, consider moving away from direct funding to local authorities and avoid channelling funding through GONGOs by improving internal organisational assessment procedures.

Support for meaningful CSO cooperation with local government should be complemented by multi-stakeholder study visits, exchanges and twinning programmes where civil servants can build contacts and learn from their EU/EaP counterparts;

- Prioritise smaller initiatives, especially those in the regions, and consider broadening funding to cover unregistered initiatives or implementing regranting schemes in order to reach small initiative groups.

Methods of work:

- **Flexibility** - allow reprogramming or postponement of certain activities which were planned before the elections and before the pandemic;
- **Variety** - offer a mixed portfolio of both grants and capacity building programmes: assistance could include project grants, programme and institutional support and development, provision of training, and facilitation of study visits;
- **Stability** - consider offering flexible multi-year programmes or institutional support instead of shorter-term assistance;
- **Trust** - believe in partners' knowledge, and their ability to analyse the situation and adjust their actions accordingly;
- **Future** - include a separate organisational development component in grant-making so that organisations can set aside resources to focus on strategy creation and institutional development, without doing so at the expense of their core activities.

MAIN REPORT

1. Key findings

1.1 Results of the August 9 presidential election

1. The results of the EaP CSF Monitoring Mission to Belarus' assessment indicate that the August 9 presidential election in the Republic of Belarus cannot be considered free or fair, due to a number of gross violations of norms and democratic standards.
2. The Mission's monitoring showed that during all stages of the electoral process, the Belarusian authorities failed to respect and preserve the human and political rights envisaged in the International Covenant on Civil and Political Rights (ICCPR) and the 1990 OSCE Copenhagen Document, as well as in the Constitution of the Republic of Belarus.

1.2. Legal framework

3. The current legal framework governing the conduct of presidential elections is not in line with OSCE commitments or international standards: it has been constantly criticised by the ODIHR, following the findings from previous international observation Missions in Belarus, while the Electoral Code also falls short of complying with 1990 OSCE Copenhagen Document.
4. Core electoral procedures have remained unchanged since the 2015 presidential election, thus perpetuating all previous identified negative features and creating room for discrimination against alternative candidates and other electoral actors.
5. The lack of impartiality of the election administration at all levels has been widely observed. The existing procedure for forming commissions during the election of the President of the Republic of Belarus currently provides insufficient legal criteria for the selection of election commissioners, and allows local authorities full discretion in the appointment process. Indeed, a selective and discriminatory approach to nominees was observed in the formation of Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs), depending on their affiliation to a particular political party or public association.
6. The arbitrary decision of the Central Election Commission (CEC) to refuse the registration of some nomination groups violates article 25 of the ICCPR, as well as paragraphs 7.5 and 7.7 of the 1990 OSCE Copenhagen Document.
7. The lack of transparency of the process for verifying nomination signatures allowed TECs to cancel tens of thousands of them – mainly those of alternative electoral candidates.
8. The decision of the CEC to deny Viktor Babaryka's registration as a presidential candidate violated the right to stand for election and be elected. This act runs counter to the constitutional principle of presumption of innocence and international human rights obligations, since no court ruling has been presented proving his guilt.
9. During the pre-election period and the election campaign, multiple cases of use of administrative resources have been reported by local observers. Numerous pickets to collect signatures for the nomination of Aliaksandr Lukashenka, and meetings with the candidate seeking re-election and his proxies, were organised with clear indications of the use of administrative resources. These took place during working hours, in working premises, and were not always

announced in advance and in the proper manner. Journalists and media representatives were not allowed to attend some of these meetings, while others were banned from taking pictures.

10. At the same time, the Belarusian authorities consistently violated the right to peaceful assembly, and hindered alternative candidates' meetings with voters. Although the current Law on Mass Events itself establishes very strict requirements for the organisation of peaceful assemblies, local authorities, at their own discretion, further impeded presidential nominees and candidates, as well as their proxies, in holding free meetings with their constituents.
11. Intimidation of electoral actors and participants of meetings, arbitrary detentions, and arrests under far-fetched administrative and criminal charges have accompanied all stages of the electoral process.
12. The most frequently reported irregularities during voting included: forced voting; failure to comply with the terms of posting protocols for the public; violation of the procedure for homebound (mobile) voting; improper equipment/preparation of polling stations to conform with medical safety standards; and a lack of transparency during the vote counting process.
13. The vote counting procedure was marked by a severe lack of transparency. This process is one of the most criticised stages of the election process due to the lack of a clear and detailed, step-by-step description of the counting procedure.
14. Due to high voter mobilisation on election day, the total voter turnout at some polling stations, including those who voted early, exceeded 100% of registered voters. Along with mass discrepancies between the number of voters reported by independent observers' calculations and the data from the voting protocols, these irregularities prove allegations that ballot stuffing took place during the early voting period. Taking into account the violations reported by independent observers during the counting and tabulation of the results, it can be concluded that the Belarusian authorities severely infringed paragraph 7.4 of the 1990 OSCE Copenhagen Document and article 25 of the International Covenant on Civil and Political Rights.
15. Despite a large number of petitions and complaints about violations of the Electoral Code, lodged by the Belarusian human right activists, these did not have a noticeable impact on election procedures during the various stages of the electoral process.

1.3. International and domestic observation

16. Deliberate actions of the authorities in Belarus created obstacles for the OSCE/ODIHR to hold a fully-fledged, long-term observation mission in order to assess all stages of electoral process. Along with the OSCE Parliamentary Assembly and the Parliamentary Assembly of Council of Europe, the presence of this international institution is crucial in states like Belarus with no established tradition for impartial and lawful election administration.
17. Despite the absence of international observation missions on the ground from the OSCE/ODIHR, OSCE PA and PACE, local monitoring and observation initiatives¹ managed to compile a comprehensive account of widespread irregularities and political rights abuses which put into question the official elections result announced by the CEC on August 14.

¹ These include the 'Human Rights Defenders for Free Elections' campaign coordinated by the Human Rights Centre Viasna and the Belarusian Helsinki Committee, the 'Right to Choose' campaign of 8 opposition parties, 'Naziranne.by', organised by the "Tell the Truth" movement and 'Honest People', and the initiatives of NGO Zviano, Human Constanta and others.

Online platforms for parallel vote counting and observation such as *Golos* and *ZUBR* provided the possibility for post-election accumulation of information about election irregularities registered by various independent observation initiatives.

18. Observation during all stages of electoral process was deliberately complicated by all tiers of the electoral administration (CEC, TECs and PECs), as well as by local authorities and law-enforcement bodies, and various pretexts were used by the authorities to prevent observers from freely accessing electoral documents and monitoring procedures.
19. During early voting and on election day, observers experienced unprecedented pressure. Restrictions of observers' rights and obstruction of their activities included the withdrawal of their accreditation – or the refusal to accredit them in the first place –, non-admission to polling stations, arrests and more.

1.4. Media freedom

20. The current media environment in Belarus is very restrictive in terms of freedom of speech and does not ensure the safety of journalists or their ability to work without interference. Since the start of election process, the Belarusian Association of Journalists has registered 133 cases of serious violations of the rights and freedom of journalists. These include detentions, arrests, beatings and fines. As of August 12, twenty-five Belarusian journalists and media representatives remain detained by police across Belarus.
21. As in previous electoral campaigns, the incumbent did not use media airtime to make a candidate's address or to participate personally in TV debates. Media appearances by President Lukashenka were dominated by coverage of his visits to regions and state enterprises, multiple meetings with local authorities, the military and law-enforcement agencies.
22. During pre-election and campaign stages, alternative candidates received disproportionately small attention and were presented in a negative light by state-funded media. Indeed, state media coverage of presidential candidates, apart from being unequal, was not neutral and balanced. The incumbent was portrayed in a positive manner while others presidential nominees who were mentioned merited negative description. Some of them were portrayed as criminals or plotters, presenting threat to the Belarusian society and state. The BAJ reports cases of biased coverage, distortion of information, as well as selective or fragmentary presentation when it comes to coverage of the election actors in state-run media.
23. More balanced coverage of the presidential election was found in the independent media, where both news and analysis were devoted to the incumbent, and other candidates and presidential nomination seekers across different stages of electoral process.
24. The MFA of Belarus deliberately delayed temporary accreditation for about 30 foreign media outlets in order not to allow them to observe the election process. Against this backdrop, two teams of foreign journalists (from *TV Rain* and *Current Times*) were expelled from Belarus for working without accreditation.
25. During the five days of early voting and election day on Aug 9, many violations and irregularities prevented Belarusian and foreign journalists from unhindered coverage of the voting process, ballot counting, and tabulation. On election day itself, numerous witnesses reported that journalists were forced out from polling stations without a proper reason or explanation. To aggravate things, on August 9, twenty-two journalists were detained – some of them in brutal way. During the ensuing crackdown on protesters from Aug 9 to 11, seven journalists were beaten and injured.

26. Internet disruption, organised by Belarusian authorities on August 9-11, restricted access of Belarusians and foreign citizens to independent online media and social networks.

1.5. Civil society environment

27. During all stages of the 2020 presidential election, there was an unprecedented level of civic activity and mobilisation, both in Minsk and in the regions, which in turn had a significant influence on the campaign dynamics and results.
28. Civic activity led not only to a high number of signatures collected for alternative candidates, but also to massive campaign rallies across the country and a high voter turnout. Being aware of the repressive nature of the Belarusian authorities in the early phase of the election, many civic initiatives and NGOs launched monitoring and advocacy initiatives aimed at awareness rising campaigns and the defence of human and political rights. Human rights organisations continued to monitor the electoral process, and to create online trainings, webinars and other informative content covering such topics as how to conduct oneself in stressful situations, and what to do when one is being interrogated or detained.
29. In response to the growing number of arrests and fines against human rights defenders, journalists, bloggers and activists, Belarusian civil society launched the 'BY_Help' initiative.
30. Active cooperation between civil society, new political movements, and the IT sector gave birth to new initiatives aimed at protecting people's votes. The *Golos* platform, a tool for alternative vote counting supported by Honest People and the united opposition campaign, saw more than 700,000 registrations before the start of the preliminary voting period, and 1.1 million registrations by the main election day. The *ZUBR* platform, another IT tool developed specifically for this election, helped to facilitate the process of independent electoral verification and to collect and analyse data gathered by numerous activists, observers and voters.
31. In the post-election period, tens of thousands of Belarusian citizens were engaged in different solidarity actions with those detained or affected by police violence, and strikes of large state-owned enterprises. This large-scale mobilisation is a clear indication that civil society in Belarus is ready to participate actively in the decision-making process and to protect its right to vote.

1.6. Post-election developments

32. The mass protests which erupted on the evening of August 9 were mostly of a peaceful and spontaneous nature. They appeared in different parts of Minsk in reaction to the announcement of the official preliminary exit poll. These movements did not present any threat to public order, nor did the protesters have any weapons or auxiliary means (such as batons, sticks, etc.) in their possession.
33. The crackdown on peaceful protesters by Belarusian law-enforcement bodies has been explicitly characterised by arbitrary and disproportionate use of force, unmotivated use of special equipment (rubber bullets, stun grenades), and unlawful detentions and arrests.
34. Many cases have been registered of law enforcement agencies arresting completely innocent, unarmed citizens on the streets with them having violated the law or public order. The Ministry of Internal Affairs reported that more than 6,700 people were detained across the country in the period August 9-11. The number of those detained by the KGB of Belarus is not known, and the fate of many detainees is also still unknown. Human rights defenders report

numerous cases of torture and ill-treatment of detainees by the police and special forces, in both permanent and temporary detention centres.

35. Despite the high number of complaints against police officers and the obvious facts of human rights violations by them, to date the authorities have not opened a single independent investigation into such allegations, nor have they initiated a single criminal case. Cases against the demonstrators on charges of preparing for or participating in riots are being actively investigated.

1.7. Options for international solidarity and support

36. The European Union has expressed its concern over the excessive and arbitrary use of force against protesters, and has not recognised the official results as free and fair. Moreover, the EU has called on the Belarusian authorities to initiate a genuine and inclusive dialogue with broader society in order to avoid further violence. Some EU member states as well as EaP partner states, both at the government and civic levels, have expressed solidarity with the Belarusian people, and are considering policies on how to support peaceful resolution of the situation.
37. Upon monitoring and observation of the situation development in Belarus, experts of the EaP Monitoring Mission have elaborated concrete policy recommendations, addressed towards different stakeholders in Belarus, EU and EaP.

2. Background

2.1. Legal framework and political context

Belarus is a presidential republic. The August 9, 2020 ballot was the sixth presidential election since Belarus gained independence in 1991. Following the 1996 and 2004 referendums for the amendment of the Constitution, the power of the presidency has been increased and the two-term limit has been abolished, thus allowing the incumbent, President Aliaksandr Lukashenka, to be elected for five consecutive terms.

The election of the President is regulated primarily by the Constitution of the Republic of Belarus and the Electoral Code. According to article 81 of the Constitution, the President is elected for a five-year term in a two-round competition. The elections are called by the House of Representatives of the National Assembly, and administered by a three-tier structure of election commissions.

Although no other amendments to the Constitution have been made that would impact upon the upcoming elections or the mandate of the President, important changes to the Constitution were placed on the political agenda during the current mandate of President Lukashenka, and were also actively promoted during the pre-election period.²

² The main idea of the proposed constitutional amendments is the re-distribution of powers of the authorities at different levels, including from the President to the House of Representatives of the National Assembly, as well as the transfer of more powers to regional and local levels. Some analysts and opposition political leaders have expressed in the media their vision on the reform process, including with regard to the real aim of the discussed constitutional amendment, as well as criticised the lack of transparency around this issue.

The Electoral Code currently falls far short of complying with the 1990 OSCE Copenhagen Document, as the OSCE/ODIHR conclusions from 2015 state.³ A lack of “substantial procedural safeguards that ensure integrity and transparency of all stages of the electoral process” has been observed from one election to another. Areas where significant irregularities commonly take place are the following: the verification of nomination signatures, observers’ rights, the conduct of early and mobile voting, and the counting and tabulation of votes. These procedural shortcomings go in parallel with restrictions on the fundamental freedoms of association, assembly and expression. Moreover, the current legal framework in Belarus does not provide sufficient legal provisions against the misuse of administrative resources and ineffective electoral dispute resolution. Regrettably, the harsh assessment of the electoral legal framework made by OSCE/ODIHR in the framework of its 2015 Election Observation Mission did not convince the Belarusian authorities to address any of the above mentioned problems.⁴ Similarly, no improvements have been made to the Law on Political Parties or the Law on Public Associations, despite of the efforts made by the Ministry of Justice and different political parties and associations.⁵

At the same time, a series of excessive amendments have been made to the associated legal framework, including to the Law on Mass Events, the Law on Mass Media and the Administrative Code. According to the OSCE/ODIHR Needs Assessment Mission Report for the Early Parliamentary Elections of 17 November 2019, the “amendments to the Law on Mass Events expanded the notification procedure and introduced a fee structure for public assemblies”.⁶

Belarus placed 150 out of 167 countries in the 2019 edition of the Democracy Index published yearly by the Economist Intelligence Unit,⁷ with this representing a significant drop in ranking from the year before: whereas in 2018 Belarus ranked 137th with a score of 3.13, in 2019 it scored just 2.86. The biggest deteriorations can be seen in the political culture, political participation, and functioning of government categories, whose scores fell by 1.25 points, 1.11 points, and 0.86 points, respectively.

Similarly, in the latest Freedom in the World Report compiled by Freedom House,⁸ Belarus received 14 points out of a possible 40 in the Civil Liberties category, and just 5 points out of 40 in the Political Rights category, leading it to be labelled as “Not Free” for yet another year. The area in which the country scored the lowest was the Electoral Process category (0 out of 12), whereas the highest score (7 out of 16) was achieved in the Personal Autonomy and Individual Rights category. This discrepancy between individual freedoms that are enjoyed by ordinary Belarusians – albeit to a limited extent – and the absence of a genuine electoral process is what characterises the current mood among Belarusian civil society.

³ Following the 2015 presidential ballot the OSCE/ODIHR Election Observation Mission concluded that “the legal framework remained essentially unchanged since the last presidential election and previous OSCE/ODIHR reports assessed it as not adequately guaranteeing the conduct of elections in line with OSCE commitments and international standards”. Similarly, the earlier “... amendments introduced in 2013 and 2014 also did not address key OSCE/ODIHR recommendations”. Source, <https://www.osce.org/files/f/documents/a/8/191586.pdf>

⁴ Despite of the post-election attempts of an interagency working group to propose a reform of the Electoral Code, the amendments submitted in February 2017 to the presidential administration were not further presented to the Parliament. Still, an official initiative on amending the Electoral Code was registered in the House of Representatives of the National Assembly in June 2019 by Ms. Anna Kanopatskaya (United Civil Party, UCP). The proposed draft law was intended to extend the rights of observers during the electoral process, to improve the mechanisms of composition of the election commissions and to clarify & detail the procedures of early voting and counting of the election results.

⁵ The opposition failed to find a compromise ahead of 2019 Early Parliamentary Elections on the possibilities for the reinstatement of public funding for election campaigns and decrease of the number of signatures required for the registration of a party.

⁶ OSCE/ODIHR Needs Assessment Mission Report for the Early Parliamentary Elections of 17 November 2019, <https://www.osce.org/files/f/documents/0/a/429272.pdf>

⁷ The Economist Intelligence Unit, <http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy-Index-2019.pdf&mode=wp&campaignid=democracyindex2019>

⁸ Freedom in the World 2020, <https://freedomhouse.org/country/belarus/freedom-world/2020>

2.2. Media freedom

The media landscape in Belarus is dominated by the state. Television is the prime channel of information for Belarusians, with a 2018 survey indicating that 72% of respondents name television as their main “source of necessary information about life in Belarus and abroad”. Official data indicates that there are 98 officially registered television channels in Belarus, out of which 44 are state-owned. At the same time, all nation-wide TV channels are, in fact, state controlled. Likewise, out of 167 registered radio programs, 140 (87%) are under state supervision. In comparison, 27% of newspapers and magazines are also state-funded.

Formally, the Constitution guarantees freedom of expression and the right to disseminate information, but the current legal framework introduces very restrictive measures on Belarusian independent media outlets and the activities of journalists. Such limitations are in line with neither international standards nor the good practices of the Council of Europe and the OSCE. For instance, the 2010 Law on State Secrets limits the rights of independent media outlets to access and distribute information about the authorities and their undertakings – further still, it gives the authorities the power to arbitrarily restrict access to “classified” information without proper explanation. Perhaps even more significantly, Belarusian journalists who work for media organisations based and registered in Belarus are banned from cooperation with foreign media, as well as with Belarusian media located abroad. Moreover, working without accreditation is subject to a fine, with some 279 cases of fines for “illegal distribution of media production” between 2014 and 2019, according to the Belarusian Association of Journalists.⁹

The rise in internet media activity has not gone unnoticed by the authorities. In the run-up to the 2015 presidential election, amendments were introduced to the Law on Mass Media, extending restrictions on traditional media to online media, too. Consequently, owners of online outlets are responsible for any information they post, including on blogs and social networks. Under the pretext of preventing possible violations, public agencies have a right to limit access to websites upon the decision of a court of law or, in some cases even, without such judicial authorisation.

Moreover, since 2018, online media organisations have to register with the Ministry of Information, which is allowed to request information about people commenting online, while also reserving the right to block any online content, even in the absence of a court decision. Further, as per article 22.9 of the Administrative Code, media institutions (including online media) may be fined up to 200 basic units (about BYN 5,400) for the dissemination of “prohibited” information, while the Criminal Code broadly prohibits defamation and public insult. In cases where a media institution would call for the obstruction of the lawful activity of state bodies, including of the Central Election Commission, such remarks may be considered extremist under the Law on Countering Extremism, while it is also forbidden for media to report on calls to boycott elections. In addition to these considerable limitations, widespread political pressure and criminal and administrative persecution also have a negative influence on the working conditions for journalists in Belarus, with the country ranking 153rd out of 180 states in the 2020 Press Freedom Index.

In this extremely challenging context, the media environment in Belarus thus does not provide equal opportunities for electoral candidates to convey information in an unhindered way – a situation which is unfortunately recurrent, and not only the case for the current election period.

⁹ Media in Belarus 2020, https://baj.by/sites/default/files/event/files/2020/report_media2020_rus.pdf

2.3. Civil society environment

According to the Ministry of Justice, there are more than 3,000 non-governmental organisations, 15 political parties and 25 trade unions registered in Belarus as of July 1, 2020.¹⁰ Out of the 3,000 or so registered public associations and foundations, most are active in the field of sports or are charitable organisations.

In line with Belarusian legislation, all initiatives and organisations are subject to mandatory registration. Until recently, the lack of registration was punishable under article 193.1 of the Criminal Code – a fact which drew sharp criticism from the international community –, however in 2019, liability for this offence was changed from criminal to administrative liability.¹¹ Despite such stringent requirements, many initiatives are forced to operate without state registration, and in many cases registration applications are refused for political reasons: for example, the Human Rights Centre Viasna and the Belarusian Christian Democratic Party have been refused registration by the Ministry of Justice seven times. Due to these lengthy registration procedures and limitations on the types of activities and thematic fields civil society organisations (CSOs) can engage in, Belarus consequently has the lowest ratio of CSOs per 10,000 inhabitants out of all six Eastern Partnership countries.¹²

Belarus also has very rigorous restrictions on foreign funding: CSOs are required to register the receipt of such funding with the authorities (mostly the Department of Humanitarian Affairs of the Presidential Administration) and funding is only permitted for certain causes.¹³

Widely recognised GONGOs include the Belarusian Youth Patriotic Union (BRSM), *Belaya Rus* (White Russia - which mainly unites civil servants and employees of state enterprises), the Belarusian Union of Women, and organisations that make up the Federation of Trade Unions. According to established practice, it is these organisations that have the chance to nominate their representatives to precinct election commissions, with their members also being allowed to monitor the electoral process as accredited observers.

A survey conducted by the Office of European Expertise and Communication (OEEC) and the Baltic Internet Policy Initiative (BIPI) in the second half of 2019¹⁴ shows the potential to increase participation in civil society activity, with 20% of respondents declaring they already take part in such activities, and 62% claiming they would be willing to participate. This could indicate that the new wave of people out on the streets of Belarus today is accounted for partially by members of this group that simply needed a trigger to become more involved in the socio-political life of the country. That trigger could well have been the COVID-19 pandemic, or the events of the early stages of the 2020 presidential election campaign.

Of course, consistent protests are not entirely unprecedented in Belarus, and 2019 was a particularly good illustration of this, with that year seeing a continuation of protests against the construction of a Chinese battery factory in Brest. Dozens of people gathered weekly in the city centre to express their disagreement with the authorities' disregard for the environment and the quality of

¹⁰ Политические партии, общественные объединения и другие некоммерческие объединения, [https://minjust.gov.by/directions/com-
pare_coverage/](https://minjust.gov.by/directions/com-
pare_coverage/)

¹¹ Despite administrative liability for acting as an unregistered entity, many initiatives choose not to register at all or to register as an *uchezhdenie* (a not-for-profit institution) as this form of a legal entity makes it easier for them to register and operate, albeit not offering important safeguards available to foundations and public associations, thus threatening the sustainability of such initiatives.

¹² Summary report on the findings and recommendations from the analysis of the state of the CSO environment in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, <https://csometer.info/wp-content/uploads/2019/12/CSO-Meter-Regional-Report.pdf>

¹³ Due to these limitations, many initiatives decide to register organisations (or mirror organisations) abroad (mainly in Lithuania and Poland) to facilitate the receipt of foreign aid.

¹⁴ Civil Society Organisations and Civic Initiatives in Belarus: Potential for Engagement, [http://e-belarus.org/docs/BIPI_OEEC_2019_fi-
nal_eng.pdf](http://e-belarus.org/docs/BIPI_OEEC_2019_fi-
nal_eng.pdf)

their lives. Later in the year, thousands of Belarusians gathered in Minsk to protest the deepening of integration with Russia in the framework of the Russia-Belarus Union State, and the lack of transparency that characterises the integration negotiations.

The COVID-19 pandemic, which has hit Belarus harder than neighbouring countries (although official data should be taken with a grain of salt), combined with the government's inaction and outright denial of the seriousness of the situation, lit a slow-burning fire under the usually depoliticised Belarusian society. In his speeches since the beginning of the pandemic, President Lukashenka showed a blatant disregard for his people's wellbeing, blaming them for falling ill and for creating what he dubbed a "psychosis". Left alone to face the consequences of the pandemic, ordinary Belarusians began to take matters in their own hands. They were forced to seek out reliable information about the situation within their city and region and to organise themselves to deliver basic supplies to hospitals and clinics.¹⁵ This national solidarity movement helped Belarusian citizens realise the power they have, if only they act together.

2.4. International response to human rights violations

A poor human rights record and gross violations of democratic principles during elections and referendums in Belarus have had a negative impact on political dialogue and bilateral relations with the EU and the United States of America. Belarus never became a member of the Council of Europe and often refuses to cooperate with the UN and OSCE in the field of human rights.

Although the international reaction was quite muted at the first signs of misuse of power by Aliaksandr Lukashenka, initial restrictive measures against Belarus were introduced by the EU in 2004 in response to the lack of respect for human rights, democracy and the rule of law. Additional restrictive measures were adopted in 2006¹⁶ and 2010.¹⁷

Measures have also been imposed against those responsible for the fraudulent elections and referendum in Belarus on 17 October 2004, and for violations of international electoral standards in the presidential elections of 19 March 2006 and on 19 December 2010, as well as against those responsible for severe human rights violations and the repression of peaceful demonstrators in the aftermath of those ballots. An EU arms embargo against Belarus has also been in force since 2004.

After a presidential election in 2006 that violated international norms and was neither free nor fair, the USA implemented travel restrictions and targeted financial sanctions on nine state-owned entities and sixteen individuals (including Lukashenka). In 2008, after the United States tightened sanctions due to worsening human rights abuses, Belarus expelled the US ambassador and 30 out of 35 US diplomats.

Since that time, a slight loosening of sanctions has been observed. For example, in August 2015, the United States provided limited sanctions relief, suspending sanctions on state-owned entities in response to President Lukashenka's decision to release all political prisoners. Similarly, on February 15, 2016, the EU decided to lift the restrictive measures against 170 individuals and 4 companies, while maintaining the arms embargo and the sanctions against four persons. However, on

¹⁵Belarusians also donated more than 300 000 USD to the BYCOVID19 campaign, which bought and distributed much-needed supplies, including personal protective equipment, to medical workers on the frontlines of the fight against the pandemic. Looking back, this unprecedented effort served as practice for the self-organisation which has been demonstrated by the Belarusian people during and after the election campaign.

¹⁶Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures against President Lukashenka and certain officials of Belarus, <https://eur-lex.europa.eu/eli/reg/2006/765/oj>

¹⁷Council Decision 2010/639/CFSP of 25 October 2010 concerning restrictive measures against certain officials of Belarus, <http://data.europa.eu/eli/dec/2010/639/oj>

February 17, 2020, the EU prolonged the arms embargo and sanctions against four individuals for one year, until February 28, 2021.¹⁸

Despite the scope of the existing sanctions regime, the efficacy of such measures – and the global response to abuses in Belarus – remain in question. Indeed, with the European Union, its member states, and other countries mainly limiting their action to demands for the release of political prisoners, regrettably, the efforts of the international community have failed to measurably improve the human rights situation in Belarus.

3. Adherence to political and human rights standards during the pre-election period (May 8, 2020 - July 14, 2020)

3.1. Official decisions which run counter to political and human rights standards

Establishment of TECs and PECs

The August 9, 2020 Presidential election was called by the House of Representatives of the National Assembly on May 8. On the same day, the Central Electoral Commission approved the calendar for the preparation and conduct of the ballot. Although the legal procedure of the call complied with norms of the Constitution, some political actors questioned its legitimacy.¹⁹

On the stage of establishment of Territorial and Precinct Electoral Commissions (TECs and PECs, respectively) several contradictions have been observed by the Monitoring Mission. For example, according to article 11 of the Electoral Code, the commissions are independent from state bodies. Yet at the same time, it falls within the competence of local authorities and their executive committees²⁰ to establish the commissions and to appoint their members (article 34).²¹

Although the CEC adopted on May 8, 2020 its Resolution No. 13 on the procedure for forming commissions during the election of the President of the Republic of Belarus in 2020, just as during the previous presidential election, **the lack of legal criteria for the selection of election commissioners allowed local authorities full discretion in the appointment process.**²² According to the observers of ‘Human Rights Defenders for Free Elections’, in the absence of legislation-based eligibility criteria, a selective and discriminatory approach to nominees was observed in the formation of commissions, depending on their affiliation to a particular political party, public association, etc.

Following a “rather formal approach to the establishment of TECs by the responsible bodies”,²³ 1989 commissioners were selected, including 7.6% from political parties, with only two representatives from the opposition (15 times fewer than in the previous elections). Some 55% of the selected commission members (1,095 people) were representatives of different public associations,

¹⁸ Belarus: EU prolongs arms embargo and sanctions against 4 individuals for one year, <https://www.consilium.europa.eu/en/press/press-releases/2020/02/17/belarus-eu-prolongs-arms-embargo-and-sanctions-against-4-individuals-for-one-year/>

¹⁹ According to Ms. Hanna Kanapatskaya, former MP and Presidential candidate, the powers of the previous Parliament were illegally terminated earlier than a year before the constitutional term and therefore, the decision of the current legislature on calling the Presidential elections is not legitimate.

²⁰ TECs are formed by joint decision of legislative councils and executive committees at regional and Minsk city level, while PECs are created by the district and city executive committees, and in cities with a district division — by local administrations

²¹ Such a contradiction has been reported several times by OSCE/ODIHR, including during the October 11, 2015 Presidential elections, but nothing has been changed for the 2020 Presidential elections.

²² Several electoral stakeholders may have representatives in the TECs and PECs, including political parties and other public associations – at least 1/3, labour organisations, as well as representatives of citizens nominated by collecting signatures. Art. 34 of the Electoral Code also establish a limit for the number of commission members selected among the civil servants – not more than 1/3.

²³ 2020 Presidential Election. Report on the formation of territorial election commissions, <https://elections2020.spring96.org/en/news/97102>

including 967 people delegated by pro-government NGOs and pro-government trade unions (GONGOs).

With regard to the formation of the PECs, according to CEC data, 70,200 people were nominated to 5,723 PECs.²⁴ Eleven political parties nominated a total of 4,389 persons to PECs (6.3% of those nominated), including 3 opposition parties with a total number of 545 nominees – 60 more than in the 2015 presidential election.²⁵ As a result, 63,347 members were selected to serve in 5,723 PECs. Of the total number of election PEC members, 51.3% (32,515 persons) were representatives of NGOs, including a vast majority of pro-government NGOs and trade unions. The PECs also included 20,800 citizen representatives (32.8% of the total number). Political parties were represented in the PECs by 3,723 persons (5.9% of the total composition). **Out of 545 candidates from opposition parties, as few as 6 representatives became PEC members, which is 0.009% of the total number.**

Based on the above information, and having in mind the fact that no new political party has been able to register since 2000, **the lack of legal guarantees for the representation of existing political parties in the TECs and PECs not only weakens confidence in the activities of these commissions among various political and civil society actors, but also represents an infringement of paragraph 7.6 of the 1990 OSCE Copenhagen Document.**

Nomination of candidates

The process of nomination and registration of candidates for the President of the Republic of Belarus was also accompanied by a number of serious violations of human and political rights.²⁶

First of all, **the requirement of collecting 100,000 signatures contradicts article 1.3 of the Code of Good Practice on Electoral Matters of the Venice Commission,**²⁷ which states that “the law should not require collection of the signatures of more than 1% of voters in the constituency concerned”. In fact, 100,000 signatures would account for 1.46% of the total number of registered voters announced by the CEC.²⁸

The deadline for the registration of nomination groups was set for May 15, 2020, by the CEC Resolution No. 12 of May 8. By the deadline, 55 people had applied to the CEC for the registration of their nomination groups – the highest number of applications for any presidential election since 2001. The CEC registered 15 nomination groups while the other 40 were denied registration. Within the set deadline, the CEC registered and issued the corresponding certificates and lists for collecting signatures to the groups created in support of the following 15 nominees: Aliaksandr Lukashenka, Aleh Haidukevich, Yury Hantsevich, Uladzimir Niapomniashchych, Natallia Kisel, Viktor Babaryka, Valery Tsepkala, Siarhei Cherachen, Volha Kavalkova, Hanna Kanapatskaya, Andrei Dzmitryeu, Sviatlana Tsikhanouska, Aliaksandr Tabolich, Yury Hubarevich, and Mikalai Kazlou.

²⁴48.1% of the nominees (33,734 persons) were proposed by the representatives of NGOs and trade unions, increasing by 6% compared to the 2015 Presidential election. In a similar manner with the nomination of members for the TECs, the vast majority of appointed persons were representatives of six pro-government organisations (88.3% of the representatives of public associations and 42.4% of all nominees). Citizens nominated 25,355 people (36.1%), including 2,042 persons nominated to 1,164 PECs by the civil initiative “Honest People” (launched by the presidential nominee Viktor Babaryka).

²⁵As it was pointed by the ‘Human Rights Defenders for Free Elections’, the process of appointment of PEC members is much more difficult for the organisational structures of political parties since many of them have been liquidated in 2003 in connection with their registration in residential buildings.

²⁶According to the Electoral Code, a person entitled to be elected as President of the Republic of Belarus should submit to the Central Electoral Commission a written application for the registration of a nomination group. Further, provided that CEC has registered the nomination group, the nominated candidates would have to collect at least 100,000 valid signatures of citizens in their support.

²⁷Code of Good Practice on Electoral Matters of the Venice Commission, <https://rm.coe.int/090000168092af01>

²⁸<http://rec.gov.by/sites/default/files/pdf/2020/stat19.pdf>

According to an analysis conducted by ‘Human Rights Defenders for Free Elections’, the CEC used several arguments for refusing to register some nomination groups: violation of the principle of voluntary participation of voters in the nomination groups,²⁹ insufficient size of the nomination group, non-compliance of nominated candidates with the requirements of the Electoral Code,³⁰ failure to meet the nomination procedure.³¹ By analysing the above presented arguments, the EaP CSF Monitoring Mission considers that **the Belarusian authorities violated article 25 of the ICCPR, as well as paragraphs 7.5 and 7.7 of the 1990 OSCE Copenhagen Document.**

According to the CEC electoral calendar, signatures in support of the nominated candidates had to be collected between May 21 and June 19, 2020.³² The collection process was marked by the increased activism of citizens during rallies organised by the opposition candidates. On the other hand, **citizens’ activism led the authorities to adopt a punitive attitude against opposition candidates. Thus, pickets were frequently marred by arrests and pressure on participants and collectors/coordinators.** Examples of this include the arrest of Siarhei Tsikhanouski and nine other participants on May 29, 2020, the considerable pressure exerted against the signature collectors and coordinators of Sviatlana Tsikhanouska’s nomination group on multiple occasions; and the arrest of at least 32 bloggers and activists – including members of presidential hopefuls’ nomination groups – in various regions of Belarus on May 31, 2020.

There have been **multiple situations where law enforcement agencies and local authorities tried to intimidate picketers in Minsk, Viciebsk, Homiel and other cities.** The most targeted pickets were the ones with the participation of the presidential hopefuls themselves. **The COVID-19 pandemic has also been used by the authorities to impede the collection of signatures,** as was the case on June 8, 2020, when police officers ordered a regional coordinator of Sviatlana Tsikhanouska’s nomination group to stay in isolation for 14 days, without presenting any documentary evidence of them having been a close contact to someone infected with COVID-19.

Moreover, ‘Human Rights Defenders for Free Elections’ reported about 100 cases of use of administrative resources in the nomination of presidential candidates. A quarter of them were threats of dismissal in different forms against employees of state-owned enterprises. **The few pickets held to collect signatures for the nomination of Aliaksandr Lukashenka were organised with clear indications of the use of administrative resources, including coercion, and collecting signatures at work during working hours.**

On June 19, the nomination groups completed the collection of signatures in support of their presidential nominees. The verification of signatures was carried out by TECs in closed sessions.³³

²⁹ The CEC has raised doubts about the voluntary participation of voters in many of the groups and sent inquiries to the Department of Citizenship and Migration of the Ministry of Internal Affairs to check the passport data of some voters on the lists. Also, members of the nomination groups were contacted by the representatives of the local executive committees who conducted a selective, intimidating and misleading inspection, which also contradicted the previous practice of the CEC in this regard.

³⁰ In the case of two presidential nominees, the CEC established that they have criminal convictions, while another three nominees are not citizens of the Republic of Belarus by birth.

³¹ Although initially sentenced on February 7, 2020, the authorities waited until May 6, 2020 to detain blogger Siarhei Tsikhanouski in order to serve 15 days of administrative detention for covering an unauthorised protest against the government’s integration plans with the Russian Federation in December 2019. As Mr. Tsikhanouski couldn’t sign his application on person, his wife signed and submitted it to the CEC on her own name.

³² Art. 61 part 11 of the Electoral Code allows for the signatures to be collected in pickets (no permission is required) that are held in places not prohibited for this purpose by local executive and administrative bodies.

³³ According to the observers of ‘Human Rights Defenders for Free Elections’, TECs working materials (protocols, signature sheets, packages of documents submitted to the commissions) were inaccessible to electoral actors. The observers were allowed to attend only the formal meetings held by the TECs for announcing the number of voters who supported the nomination of the candidates.

The lack of transparency of the signature verification process allowed TECs to cancel tens of thousands of signatures, mainly of the alternative candidates of the presidential election. As a result, only six Presidential nominees, including Viktor Babaryka, managed to pass the threshold of 100,000 collected signatures.

However, on July 14, 2020, the CEC ruled to register only five presidential candidates: Aliaksandr Lukashenka, Hanna Kanapatskaya, Andrei Dzmitryeu, Siarhei Cherachen, and Sviatlana Tsikhounouska. The CEC refused to register Viktor Babaryka, who allegedly violated the provisions of article 48.9 of the Electoral Code (prohibition of foreign financing of election activities), and allegedly provided false information in his income and property declaration. The rejection of his candidacy clearly violates the right to be elected.³⁴

Voter registration

For the 2020 presidential election, the CEC reported a total of 6,844,932 registered voters, including 5,319 out-of-country voters. However, **the number of voters in each polling station was not published, and voter lists were not publicly displayed.**³⁵ Furthermore, **observers did not have access to voter lists.**

The law requires that a voter may only be registered in one polling station, based on proof of residence. However, **the absence of a centralised voter registry excluded the possibility of crosschecking against multiple registrations. The system is overly permissive and allows registration of voters without sufficient legal safeguards, in contravention of the recommendations of the Venice Commission Code of Good Practices on Electoral Matters.**³⁶

The Missions was informed by its interlocutors that **voter lists contained many foreign citizens (due to their registration of residence in Belarus), as well as deceased individuals.** They also stated that the lack of access to the voters' lists not only forbade the assessment of their quality, but could also have been used by the authorities to cover manipulations with the ballots, especially during the early voting period.

3.2. Media freedom

Media coverage in the pre-election period was characterised by mostly unbalanced and rather unilateral attention to the incumbent in state-run media. Only marginal attention was paid to such electoral procedures as the forming of initiative groups, and the collection, submission and verification of the signatures for presidential nominees.

As a recent report by the BAJ indicates, state-affiliated TV and radio stations devoted prime time coverage to the current activities of President Lukashenka. Although election-related issues received only 4-7% of air time during the news programs of national state-run TV and radio (*Panorama* program on the TV channel Belarus 1, *Radiofakt* program on the First National Channel of the Belarusian Radio) almost 70-80% of airtime for all election actors was given to President

³⁴ It seems like these arguments were leaked to the CEC from the criminal investigation in which Viktor Babaryka was arrested. According to 'Human Rights Defenders for Free Elections', "since this criminal case is still under investigation and Babaryka's guilt has not been established by a court ruling, the use of this information as a ground for refusing to register him as a presidential candidate is illegal and contrary to the constitutional principle of presumption of innocence and international human rights obligations. Preventing Viktor Babaryka from standing as a presidential candidate on these grounds violates his right to be elected".

³⁵ The voters' lists in Belarus are compiled by the local executive authorities and transmitted to the PECs for further verification and update. The lists were available in the polling stations but only for voters' scrutiny and correction upon request.

³⁶ Article 1.2 (iv) of Section I recommends that "there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day". The full recommendations are available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e).

Lukashenka. This major misbalance in presenting the election's main actors was also preserved in Sunday programs (the *Glavny Efir* program on the Belarus 1 channel and the *Kontury* program on ONT channel) with 58% of the total coverage given to the incumbent.³⁷

Aliaksandr Lukashenka's political opponents in the election, by contrast, received disproportionately less coverage and were presented negatively. Some of them were portrayed as criminals or plotters, presenting a threat to society and the state. Monitoring by the BAJ reports **cases of biased coverage, information distortion, as well as selective or fragmentary presentation when it comes to coverage of the election actors in state-run media.**

It is important to highlight that during this election period, for the first time state-affiliated media named independent media, particularly foreign media streams and Telegram channels, as instruments for stirring unrest and mass protest in Belarus.

More balanced coverage of the presidential election could be found in independent media, where news and analysis were devoted to the incumbent as well as the other presidential nomination seekers at different stages of electoral process. Although the share of time devoted to different election actors varied, it was more balanced compared to state-affiliated media outlets.

3.3. Civil society environment

When the presidential election was called on May 8, Belarus was still suffering from the COVID-19 pandemic and fighting its consequences. The government's inaction and its ignorance towards its citizens' health led the Belarusian people to unite in their actions to provide help for medical workers and the most vulnerable members of society. This feeling of social mobilisation and solidarity in the face of real threats shaped the mood in the country at the beginning of the pre-election period.

During the signature collection phase, was an unprecedented number of people who not only signed support lists for multiple candidates, but also became members of nomination groups and actively engaged in signature collection, organising pickets, or canvassing their neighbours. In total, the six most popular alternative presidential candidates gathered more than 1 million signatures³⁸ – an unprecedented feat in a country of around 6 million, usually depoliticised, voters.

The beginning of the pre-election period saw increased pressure on civil society from the government, mostly in the form of persecution of activists and human rights defenders, and arrests during peaceful demonstrations and meetings when signatures were collected in support of independent candidates.

Several civic initiatives emerged against the backdrop of civic mobilisation, and the resulting pressure and political rights abuses from the Belarusian authorities. In June the Honest People initiative was launched to spread information about different methods which Belarusians can use to protect their vote. At first, the initiative was aimed at increasing the number of independent members of PECs.³⁹

Another way of channelling people's desire to actively participate in the election campaign was domestic election observation. Many independent election observation initiatives were launched,

³⁷ Coverage of the 2020 Presidential Elections in Belarusian Media. Report 1, <https://bai.by/en/analytics/coverage-2020-presidential-elections-belarusian-media-report-1>.

³⁸ Хроника выборов. Еще один претендент снимает свою кандидатуру, у Бабарико 335 000 подписей, у Цепкало — 180 000, <https://people.onliner.by/2020/06/15/xronika-vyborov-natalya-kisel>.

³⁹ According to the initiative, out of the 2 834 people who used the platform to apply to become PEC members ahead of the June 21 deadline, only 12 were selected to work in commissions on election day, <https://www.facebook.com/honestpeople.by/posts/138230081256171>

including the ‘Human Rights Defenders for Free Elections’ campaign coordinated by the Human Rights Centre Viasna and the Belarusian Helsinki Committee and carried out according to the OSCE/ODIHR methodology. The ‘Right to Choose’ campaign of 8 opposition parties, the Tell the Truth movement’s ‘Naziranne.by’ initiative (linked to Andrei Dzmitryeu’s campaign), and ‘Honest People’ (linked to the Babaryka campaign) are further examples. All the above initiatives have gathered nearly 7,000 short-term observers, who, given the newest restrictions issued by the CEC, ended up monitoring the conduct of voting from outside polling stations during preliminary voting and on election day.

On June 11, access to the most popular Belarusian crowdfunding platforms, *MolaMola* and *Ulej*, was blocked by the authorities.⁴⁰ The authorities’ interference into the work of these crowdfunding platforms was deemed one of the signs that officials in Minsk were looking for ways to attack the current president’s then main political opponent. However, since *MolaMola* was recently used by many ordinary Belarusians to support the BYCovid19 initiative aimed at helping medical professionals during the pandemic, its blocking has been widely perceived as yet another attack on civil liberties and a show of contempt on behalf of the authorities.

Until the deadline for the collection of signatures in support of potential presidential candidates (June 19), peaceful rallies continued to take place across Belarus. Many participants of such rallies were detained, arrested or fined. On June 18, the most popular presidential hopeful, Viktor Babaryka, was arrested along with his son and other members of his nomination group on trumped-up charges (Babaryka was accused of participating in a criminal organisation, and his son of tax evasion). The arrests sparked a public outcry – thousands of Belarusians went to the streets protesting peacefully against the arrest. Such strong persecution of independent candidates so early in the campaign was interpreted as indicative of the authorities’ decision to eliminate the most popular of Lukashenka’s political opponents. According to Human Rights Centre Viasna, more than 360 people were detained during solidarity rallies which took place across the country from June 18 to 21.⁴¹

The next wave of mass peaceful protests was provoked by the CEC’s decision to deny registration as presidential candidates to Viktor Babaryka and Valery Tsepkala. This decision led to public outrage and largescale peaceful protests in Minsk and across Belarus. Arbitrary aggression on the side of police, riot police and plain-clothed officers provoked a response from protesters. According to Human Rights Centre Viasna, more than 370 people were detained in different cities. The following day, nearly 2,000 people gathered outside the CEC to file a complaint against the Commission’s decision to deny registration to Viktor Babaryka, a demonstration during which 26 people were arrested.⁴²

According to the human rights defenders community, **between the start of the election campaign and the candidate registration deadline, nearly 1,200 people were brought to administrative responsibility for participating in peaceful assemblies.** Of these, 101 were sentenced to short term detention, and at least 200 were fined for a total of more than 130,000 Belarusian rubles (more than 50,000 euro).⁴³ In addition, 24 people have been declared political prisoners.

⁴⁰Both platforms are linked to Viktor Babaryka’s son Eduard and to Belgazprombank, which was headed by Babaryka before he declared his candidacy.

⁴¹Human Rights Situation in Belarus: June 2020, <https://spring96.org/en/news/98021>

⁴²Human Rights Situation in Belarus: July 2020, <https://spring96.org/en/news/98647>

⁴³Human Rights Situation in Belarus: June 2020, <https://spring96.org/en/news/98021>

The Belarusian human rights community issued multiple appeals to the authorities to stop the persecution of activists and media professionals, as well as to the international community to exert pressure on the Belarusian government to stop the intimidation of various actors of the ongoing electoral process. The Belarusian diaspora showed solidarity with its countrymen by organising peaceful parades, rallies and happenings on nearly all continents around the world, especially following the arrest and subsequent un-registration of Viktor Babaryka. The diaspora was also active when it comes to advocacy efforts - Belarusians abroad used their power as residents to petition foreign governments, maintain their interest in what is happening in Belarus and put pressure on foreign leaders to use diplomatic channels to remind Minsk that the world is watching.

Belarusian civil society organisations and media also used the growing socio-political engagement of the population to create educational content for those new groups of people who had not previously been exposed to or interested in human rights, and historical and political questions. An example of this was the educational and interactive content shared by Radio Svaboda on its Instagram account, as well as podcasts and short informative videos produced by human rights organisations and initiatives, such as Human Constanta, the Human Rights Centre Viasna, or the Legal Initiative.

In response to the growing number of arrests and fines against human rights defenders, journalists, bloggers, and activists, Belarusian civil society launched the ‘BY_Help’ initiative at the end of June.⁴⁴ ‘BY_Help’ is an informal crowdfunding campaign aimed at collecting funds for the payment of fines for persecuted activists and for financial help for the families of those who have been arrested.

3.4. Observation and monitoring

For the first time in the history of independent Belarus, the OSCE/ODIHR did not receive an official invitation to observe in the pre-election period. No such invitation was issued to the PACE, either.

4. Adherence to political and human rights standards during the election campaign (July 15, 2020 - August 8, 2020)

4.1. Official decisions which run counter to political and human rights standards

Organisation of campaign events

The official election campaign began on July 14 after the registration of candidates, and ran until voting day on August 9. No restrictions were imposed due to the COVID-19 pandemic, although during the pre-election period, the Belarusian authorities used the coronavirus agenda for political purposes.

The observations of the Monitoring Mission provide abundant evidence that the presidential election campaign was conducted in unequal conditions: **by abandoning his official campaigning, the incumbent made extensive use of the administrative and propaganda resources of the power vertical, pro-government NGOs and the media.**⁴⁵ Furthermore, according to the interviews conducted by the monitors, during the election campaign state and state-affiliated organisations coordinated their work for the selection of candidates for election

⁴⁴Support for Belarus // Збор дапамогі для ахвяраў рэпрэсій у Беларусі, <https://www.facebook.com/donate/1123543824684874/10223221295223975/>

⁴⁵ There is a widespread network of state ideology. In the public institutions and at every state enterprise and “progovernmental” organisation, there is a person responsible for ideology.

commissions and observers. In addition to this, meetings of the incumbent's proxies and government officials at various levels with labour collectives were intensively organised in the regions. They took place during working hours, in working premises and were not always announced in advance. Journalists and media representatives were not allowed to attend some of these meetings, while others were banned from taking pictures.

The Belarusian authorities at the national and regional levels undertook discriminative actions to prevent alternative presidential candidates from fair and free campaigning and from conveying their messages to voters. According to the 'Human Rights Defenders for Free Elections' campaign, opportunities to obtain information about the presidential candidates were severely limited by local executive authorities, who drastically reduced the number of places for campaigning. In many cases, these locations were not suitable for campaigning, for example, due to their remoteness or poor transport accessibility.⁴⁶

Moreover, the current Law on Mass Events establishes very strict requirements for the organisation of peaceful assemblies, which makes their conduct almost impossible. For the organisation of mass events, candidates and their proxies must send a notice to the local executive and administrative body no later than two days before the date of the event.

During the 2020 presidential election, there was a decrease in the number of designated premises for meetings of candidates and their proxies with voters, as well as for election meetings organised by voters.⁴⁷ At the same time, the activities of the candidates and voters outside the designated places were qualified as violations of the Law on Mass Events, and participants were brought to administrative responsibility resulting in fines and short term detention.

By the Monitoring Mission's assessment, at the beginning of the campaign there were no significant obstacles put forward by local authorities to the organisation of mass events of alternative candidates. However, in the two weeks before voting day, there were multiple reports of obstacles to holding mass events in support of presidential candidate Sviatlana Tsikhanouska. As these rallies attracted an unprecedented number of participants, local authorities took a deliberate decision to cancel or hinder meetings with Tsikhanouska under far-fetched pretexts.⁴⁸ This was the case on August 3, when two rallies were cancelled in Stoŭbcy and Sluck, and on August 4, in Saliorsk and Vilieika, among other instances. After a large rally of the joint campaign headquarters was announced in the capital's Družby Narodaŭ Park on August 6, the Saviecki district administration announced that daily musical evenings would be held at that venue, including a festive event marking Railway Troops Day on August 6, thus preventing the campaign event from continuing as initially planned. Other presidential candidates also reported such arbitrary decisions by local authorities.

Approximately one week before the elections, law enforcement agencies began to detain the coordinators of opposition candidates in the regions. According to election monitors, before the start of voting, more than 30 people from the headquarters of candidate Sviatlana Tsikhanouska were detained in the Homiel region alone. **Detentions were carried out on trumped-up administrative or even criminal charges.** They were accused of hooliganism, disobeying a police officer, participating in unsanctioned rallies, or preparing mass riots.

⁴⁶ 2020 Presidential Election. Report on election campaigning, <http://elections2020.spring96.org/en/news/98868>.

⁴⁷ In particular, in the Mazyr district, the number of premises for meetings with voters decreased from 16 in 2015 to 7 in 2020, in the Svietlahorsk district — from 22 to 7, in the Dobruš district — from 5 to 1, in the Mahilioŭ district — from 46 to 7, in the Frunzienski district of Minsk — from 54 to 8, in the Barysaŭ district — from 200 to 11, in the Rečyca district — from 23 to 7, etc. However, the number of rooms for meetings with voters in the Babrujsk district has not significantly changed: 7 — in 2015, and 6 — this year. In the city of Babrujsk, there were 9 premises; the situation is similar in the Baranavičy district.

⁴⁸The formal grounds for canceling were "emergency repairs", "technical reasons", exhibitions of equipment, festive and entertainment events.

Campaign finance

Special attention should be granted to campaign finance. In accordance with article 48-1 (iii) of the Electoral Code, the maximum amount of all expenses from the election fund of a candidate for President of the Republic of Belarus may not exceed 9,000 basic units (243,000 rubles, or approx. 90,000 Euro). Under the current legal framework it is impossible to verify the sources of donations to the presidential candidates' election funds and the way these funds are spent. **The legitimacy of the formation and spending of the election fund is assessed only by the financial authorities and the CEC, and is not available for public oversight.**⁴⁹

4.2. Media freedom

After their official registration, the five presidential candidates were granted the possibility to use state-run TV and radio channels for conveying their messages to their constituency in line with the Electoral Code. Based on a CEC decision, the registered candidates received 1 hour of free airtime on both state-run television and radio as well as free space in printed state media.

Although state-affiliated media secured airtime for all registered presidential candidates, it proposed poorly timed slots for candidates' addresses, thus reducing the number of potential voters who could have seen them: during this political campaign, the start of the broadcasting was set at 5pm, while in the 2015 presidential election campaign the candidates addressed the audience at 7pm. On July 21 and 28, the addresses of four registered candidates were broadcast.

On July 30, candidates Andrei Dzmitryeu and Siarhei Cherachen as well as Aleh Haidukevich, a proxy of Aliaksandr Lukashenka, took part in a televised debate. This is indicative of a consistent trend, observed during previous campaigns, whereby the incumbent did not use his allocated airtime either for a candidate's address, or to participate personally in TV debates. Media appearances by Aliaksandr Lukashenka was dominated by coverage of his visits to regions and state enterprises, and multiple meetings with local authorities, the military, and law-enforcement agencies. BAJ media monitoring reports that in news programs on the state-run TV channels (Belarus 1 and ONT) Lukashenka, both as a candidate and the incumbent, benefited from 82% of airtime devoted to all presidential candidates. At the same time, Sviatlana Tsikhanouska received only 0.3%.⁵⁰

The BAJ asserts that **state media coverage of presidential candidates, apart from being unequal, was neither neutral nor balanced. The incumbent was portrayed in a positive manner while others presidential nominees who were mentioned, merited negative description.** Media monitoring also revealed that the length of news programs during the election campaign was extended, this additional airtime being largely used to feature Aliaksandr Lukashenka in a positive light – not as a candidate seeking re-election, but as the head of state performing official duties.⁵¹

Independent media, as the BAJ's monitoring shows, tried to provide a more neutral and critical approach, highlighting the electoral campaigns of the candidates and their programmes, as well

⁴⁹According to the CEC, as of August 55, the largest amount of funds were donated to the election fund of Sviatlana Tsikhanouska — 271,953 rubles, and about 181,258 rubles (about 66% of total donations) were spent. Thus, for the first time in the presidential elections since the introduction of the notion of electoral fund in the Electoral Code in 2013, an alternative candidate received more money than the incumbent did. 257,362 rubles were donated to Aliaksandr Lukashenka's election fund, and 157,440 rubles or 61% were spent. The accounts of other candidates received much less money. http://rec.gov.by/sites/default/files/pdf/2020/summ_k05.pdf

⁵⁰Coverage of the 2020 Presidential Elections in Belarusian Media. Report 2, <https://baj.by/en/analytcs/coverage-2020-presidential-elections-belarusian-media-report-2>

⁵¹Presidential election 2020 BELARUS, Television & Social Media Media Monitoring, Campaign report (15 July – 4 August 2020), http://memo98.sk/uploads/content_galleries/source/memo/belarus-2020/campaign-report/m98_by_campaign-report_media-monitoring_complete.pdf

as CEC decisions. For example, some non-state media provided the opportunity for online debates of presidential runners. While these outlets generally devoted more attention to the presidential candidate Sviatlana Tsikhanouska and rallies of the joint political team (together with campaign leaders of unregistered candidates Valery Tsepkala and Viktor Babaryka), this sought primarily to address the otherwise unbalanced coverage offered by state media.

As for communications by alternative candidates' campaigns themselves, due to the restricted access to state-affiliated media, these organisations devoted a lot of attention to information activity on social media, both for awareness raising and voter mobilisation.

4.3. Civil society environment

On July 17, the presidential candidate Sviatlana Tsikhanouska, together with Veranika Tsepkala and Maria Kalesnikava, announced that their campaigns would coordinate efforts to ensure a high turnout during the presidential election, and to educate voters on how to protect their vote from falsification. It was an innovative civic response to the political pressure from the Belarusian authorities on presidential hopefuls' teams. The female trio, which became a symbol of hope in Belarus, started touring the country, gathering thousands of people at peaceful rallies which might otherwise be perceived as a civic mobilisation campaign than events to promote a presidential candidate. The biggest rallies were held in Minsk (63,000 people), Brest (12,500 people) and Homiel (10,000 people). The mobilisation of ordinary Belarusians living and working outside of the capital was especially striking during this electoral campaign.

During this electoral phase, yet more new civic initiatives appeared. With an aim to track restrictions on access to the internet, NGO Human Constanta started an initiative called 'Digital Observers', whose volunteers monitored the accessibility of the web in different places across the country.⁵² The NGO also created educational content and organised webinars informing people what to do and what software to use in case the internet connection was slowed down or switched off.

Active cooperation between civil society, new political movements and the IT sector gave birth to new initiatives aimed at protecting people's vote. The *Golos* platform,⁵³ a tool for alternative vote count supported by the 'Honest People' initiative and the united opposition campaign, was more than 700,000 registrations before the start of the preliminary voting period.⁵⁴ The *ZUBR* platform, another IT tool developed specifically for this election, helped to facilitate the process of independent electoral verification, and to collect and analyse data gathered by numerous activists, observers and voters. The platform was intended to be used by voters to submit information about electoral violations, and by observers to submit data on the turnout they observed in specific PECs.

Human rights organisations continued to monitor the electoral process, and create online trainings, webinars and other informative content – for example, on how to conduct oneself in stressful situations, and what to do when one is being interrogated or detained. The 'BY_Help' initiative also continued to collect funds for the payment of fines and financial help for the families of political prisoners and those detained. Up to the start of the preliminary voting period, the initiative collected nearly 200,000 USD from people within Belarus and the Belarusian diaspora.

⁵² During peaceful protests in Minsk on July 16th and a rally on July 19th, participants noticed that there was no internet connection or the connection has been slow and spotty. Even though this could have been caused by the large crowds gathered at the meeting, independent experts from the human rights organisation Human Constanta believe it might have been a deliberate action aimed at limiting people's access to the internet.

⁵³ *Golos* online platform for honest vote count in presidential election, <https://belarus2020.org/>

⁵⁴ In order to register one's vote through the platform, one has to submit an application via a Telegram or Viber bot and then submit pictures of one's ballot paper on election day.

In general, experts of the Human Rights Centre Viasna have noted that **the election campaign took place against a background of continuous repression, in an atmosphere of intimidation of society.** The human rights situation within the country deteriorated sharply from the start of the presidential campaign, and was at that time assessed by human rights defenders to be a veritable crisis. Indeed, according to independent human rights monitors, from the beginning of the election campaign, there were 1,362 cases of arbitrary detentions, 223 people were jailed for a total of 3,138 days, and 379 people were fined a total of more than 287,000 rubles (approximately 140,000 Euro). In addition, 25 people are recognised as political prisoners.

4.4. International observation

The OSCE ODIHR, which has traditionally sent observation missions to Belarus for presidential and parliamentary elections, refused to observe the 2020 campaign due to the fact that Belarus did not send the appropriate invitation on time. The Belarusian parliament had only sent this invitation on July 15, yet by this time many important election processes, including the formation of TECs and PECs, had already been completed, making long-term observation impossible.

For their part, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe also decided not to send observers to Belarus, with their justification connected mostly to coronavirus.

While there was no official observation mission from the CEC of Russia (due to the absence of an invitation and to coronavirus), Russian observers were present at part of the CIS observation mission. The long-term observation activities of this mission started on July 28.⁵⁵ As of 31st of July, the CEC had accredited 155 international observers: 133 from CIS states, with most of the others representing diplomatic missions in Belarus.⁵⁶

5. Adherence to political and human rights standards during the early voting period (August 4-8, 2020) and election day (August 9, 2020)

5.1. Official decisions which run counter to political and human rights standards

Voter turnout

The Electoral Code (article 53) allows citizens to cast their votes in the course of an early voting procedure which is conducted five days prior to the main Election Day.⁵⁷ According to most of the Mission's interlocutors, **independent observation of elections was almost impossible during the early voting period.**

The CEC has reported that 41.7% of registered voters cast their votes during the early voting period,⁵⁸ which is an absolute record for any presidential election since 2001. However, according to the 'Human Rights Defenders for Free Elections' campaign, **turnout during early voting was highly inflated: some 38% of observers reported daily facts of forced voting, mostly organised for employees of government institutions, law enforcement agencies, the military, emergency services and students.** Such a violation not only contradicts

⁵⁵ Миссия наблюдателей от СНГ на выборах Президента Республики Беларусь продолжает свою работу, http://cis.minsk.by/news/15699/missija_nabljudatelej_ot_sng_na_vyborah_prezidenta_respubliki_bielarus_prodolzhaet_svoju_rabotu.

⁵⁶ Владимир Лабкович: в отсутствие наблюдателей ОБСЕ - вина властей, <https://elections2020.spring96.org/ru/news/98616>.

⁵⁷ Early voting is made available for those who will be absent on the day of elections at their place of residence, and is supposed to take place under conditions precluding control over citizens' free expression of will. There is no need for an official confirmation of the reasons for the impossibility of a voter to come to the voting premises on Election Day. The voting is carried out in the presence of at least two members of the PECs. During breaks and during the nights, a glued paper seal is applied over the slot of the ballot box.

⁵⁸Data on early voting, http://www.rec.gov.by/sites/default/files/pdf/2020/d_gol.pdf

the principle of free expression of the voters' will (as provided by article 53 of the Electoral Code) but also represents an infringement of paragraph 7.6 of the 1990 OSCE Copenhagen Document.

During interviews, conducted by the Mission's experts, some interlocutors estimated that the ballot stuffing organised during the early voting period had increased the turnout up to two times. **Around 69% of the observers of the 'Human Rights Defenders for Free Elections' campaign also reported that their voter turnout calculations did not match the figures announced by the PEC**, which might also indicate a potential infringement of paragraph 7.4 of the 1990 OSCE Copenhagen Document.

One of the most prominent features of the election day was the unprecedented activism of citizens who turned out to the polling stations. According to CEC data, 84.28% of the registered voters participated in this elections.⁵⁹ Citizens' activism led to long queues at the polling stations and many electoral commissions were overloaded.

The independent observers of the 'Human Rights Defenders for Free Elections' campaign reported several cases in which total voter turnout, including those who voted early, exceeded 100% of the voters in the district in question. This phenomenon was notably observed at polling station no. 61 in the Pervomaiskiy district of Minsk, station no. 1 in the Oktyabrsky district of Minsk, and stations no. 56 and 57 in the Zavodskiy district of Minsk. **Such situations indirectly support the allegations of ballot stuffing that may have taken place during the early voting period, while also indicating the potential risks for the voting process posed by the lack of security measures on the ballots.**

Irregularities during voting

Another characteristic of the election day was **the overall pressure on independent and partisan/opposition election observers**. Some of Mission's interlocutors stated that the observers continued to be pressured throughout election day by members of the electoral commissions, with some arrested or detained by representatives of the law enforcement bodies.

Thus, taking into consideration the impediments created for the observation of the ballot both during the early voting period and election day, it can be concluded that **the Belarusian authorities infringed upon article 13 of the Electoral Code, which provides that elections are conducted in a transparent and open manner, as well as paragraph 8 of the 1990 OSCE Copenhagen Document.**

Nevertheless, observers delegated by the 'Human Rights Defenders for Free Elections', 'Right to choose', and 'Honest People' initiatives **reported a wide range of irregularities** through the ZUBR platform – both during the early voting period and during the election day.⁶⁰ Although the violations and irregularities published on this platform went public without prior verification, their huge quantity and variety indicates that the voting process was severely affected. The most frequently reported irregularities referred to: restriction of observers' rights and obstruction of their activity (including refusal to accredit observers, withdrawal of observers' accreditation, their non-admission to polling stations, and their arrest or detention); forced voting, especially during the early voting period; failure to comply with the terms of posting voting protocols for the public; violation of the procedure for homebound (mobile) voting; discrepancies between the number of voters according to the observer's calculations and data from the protocols; improper preparation and equipment of polling stations correspond to medical safety standards; and a lack of transparency during the vote counting process.

⁵⁹Data on turnout of voters, http://www.rec.gov.by/sites/default/files/pdf/2020/gol_itog.pdf

⁶⁰ZUBR платформа для наблюдателей и избирателей в Беларуси, <https://zubr.in/elections/map>.

At 8pm, polling stations were closed and many voters remained outside without having had the opportunity to cast their ballots. Such situations were reported both in Belarus, especially in Minsk, and even more in polling stations created abroad.⁶¹ Despite the long hours spent by thousands of citizens in front of the polling stations, the CEC chairperson declared that the voting time would not be extended. Nevertheless, an exception was made for several polling stations from Minsk, but not for the overcrowded polling stations from abroad.

Vote counting

The vote counting procedure began after the closure of the polling stations and **was marked by a severe lack of transparency**. This process was one of the most criticised stages of the election process due to the lack of a clear and detailed, step-by-step description of the counting procedure.⁶²

The counting of the votes was conducted in most of the polling stations simultaneously, and collectively by all members of the commission at the same time, without showing the ballots to other commission members and observers, thus allowing for different falsification methods to be used. Evidence of massive falsification of the election results started to surface soon after the end of the counting procedure.⁶³ A clear and confirmed case of pressure on the PEC members with the purpose of making them rewrite voting protocols in favour of Lukashenka was publicly displayed the day after the election, when members of PEC no. 25 from Vitebsk were forced by the head of the Oktyabrskiy regional administration of Vitebsk, Sergei Stashevsky, to rewrite the protocol.⁶⁴

During the night of the election, and in the course of the following days, the internet and social networks were impregnated with hundreds of copies of protocols indicating the victory of Sviatlana Tsikhanouska in their respective polling stations. Unfortunately, the Mission had no possibility to verify these protocols and confirm their validity. However, their authenticity was indirectly confirmed by independent and partisan/opposition observers who counted the voters in front of the polling stations,⁶⁵ and by the people designated by Tsikhanouska to check the protocols publicly displayed by the commissions after the end of the counting.

The preliminary results of the elections were announced by the CEC chairperson on August 10, 2020 as follows: Aliaksandr Lukashenka - 80.23%, Sviatlana Tsikhanouska - 9.9%, Anna Kanopatskaya - 1.68%, Andrei Dmitriev - 1.04%, Sergei Cherechen - 1.13%, and against all - 6.02%.

Taking into account the violations reported during the counting and tabulation of the results, it can be concluded that **the Belarusian authorities severely infringed upon paragraph 7.4 of the 1990 OSCE Copenhagen Document and article 25 of the International Covenant on Civil and Political Rights**.

⁶¹ Some media have reported that in these polling stations the voting process was very slow, either due to bureaucracy or on purpose, thus not allowing too many citizens to vote abroad. Such cases were reported in Poland, Ukraine, the Russian Federation, and other countries.

⁶² There was a proposal addressed by the 'Human Rights Defenders for Free Elections' to the CEC for ensuring a better regulation of the vote counting procedure. It was recommended to carry out the counting of ballots only by one member of the commission, with each ballot being shown to everyone present. The Central Election Commission has declines the proposal under pretext that such changes require amendments to the Electoral Code and can't be done through CEC resolution. In this context, it has to be recalled that the Electoral Code was not amended since 2015 and that a similar recommendation was previously formulated by the OSCE/ODIHR Missions and still awaits to be implemented.

⁶³ Irina Tretyakova, observer of the 'Human Rights Defenders for Free Elections' campaign has described in details some of the falsification methods[9] used during the voting and counting at the PECs and TECs level. Some of these methods were implemented during the early voting period – ballot stuffing and artificial increase of the turnout, while others were used during the counting and tabulation of the results. According to the observations made by Ms. Tretyakova, many commissions used to reverse the names of two candidates in the protocols, thus recording the votes of Lukashenka for Tsikhanouska, and vice versa.

⁶⁴ Кіраўнік участковай камісіі ў Віцебску прызнаў, што пасля перамогі Ціханоўскай камісію прымусілі перапісаць пратакол на карысьць Лукашэнкі, <https://www.svaboda.org/a/30780079.html>.

⁶⁵ Tsikhanouska's supporters were encouraged to wear white bracelets or stripes on their wrists in order to allow them to be more easily counted by observers.

5.2. Media freedom

The Electoral Code envisages free access of media to the electoral commissions with due accreditation. However, during the five days of early voting and election day, there were numerous violations and irregularities reported which prevented Belarusian and foreign journalists from unhindered coverage of the voting, counting, and tabulation processes. Indeed, according to the BAJ, there were some 30 cases of foreign media outlets not receiving temporary accreditation from the MFA of the Republic of Belarus, despite having applied for it in a due and timely manner.

On election day, numerous witnesses reported that journalists were forced out from polling stations without a proper reason or explanation. To aggravate things, on August 9, 22 journalists were detained, some of them in brutal way.⁶⁶ In addition to this, deliberate internet disruption practiced by the Belarusian authorities on August 9-10 restricted access of Belarusians to independent online media and social networks, further limiting the media's ability to perform its vital reporting function.

5.3. Civil society environment

In the preliminary voting period and during election day, domestic independent election observers monitored voting in polling stations all over the country. More than 600 observers were deployed by the 'Human Rights Defenders for Free Elections' campaign,⁶⁷ another 600 by the 'Right to Choose' campaign,⁶⁸ and more than 5,200 by the 'Honest People' initiative.

The registration of about 30,000 observers delegated by various pro-governmental organisations shortly after the official formation of the PECs,⁶⁹ in combination with the restrictions imposed by the CEC on the number of observers per polling station,⁷⁰ obstructed the work of independent observers and those representing the opposition parties. It should be noted that such restrictions had nothing to do with any sanitary considerations.

Despite these limitations, independent domestic observers were present outside polling stations, monitoring the turnout and waiting for the protocols to be published by the precinct election commissions. Even though they were largely unable to perform the parallel turnout count properly, independent observers counted the number of people entering the polling stations and compared them with the official number of ballots cast during the day as announced in the protocol published by the PEC. Many discrepancies were reported, including cases where the official turnout on the day during preliminary voting was nearly 10 times higher than that reported by observers.⁷¹

Besides the artificial restrictions imposed by the CEC, **independent observers and those nominated by opposition candidates were confronted with a very negative attitude of the PEC members and representatives of the law enforcement agencies.**⁷² At least

⁶⁶ BAJ protests against gross violations of journalists' and media rights during and after the presidential elections, <https://baj.by/en/content/baj-protests-against-gross-violations-journalists-and-media-rights-during-and-after>.

⁶⁷ Accreditation of 'Human Rights Defenders for Free Elections' observers and the start of early voting observation, <https://elections2020.spring96.org/en/news/98712>

⁶⁸ «Честные люди»: 5 тыс. нарушений, явка завышается вдвое, <https://reform.by/153488-chestnye-ljudi-5-tys-narushenij-javka-zavyshaetsya-2-raz>; Более 600 наблюдателей «Права выбора-2020» приступают к наблюдению 4 августа, <https://pvby.org/be/news/bolee-600-nablyudateley-prava-vybora-2020-pristupayut-k-nablyudeniyu-4-avgusta>.

⁶⁹ Data on observers, accredited by the election commissions, <http://rec.gov.by/sites/default/files/pdf/2020/stat6.pdf>.

⁷⁰ No more than 3 observers could be present in the polling station during the early voting and 5 observers during election day, <http://rec.gov.by/sites/default/files/pdf/2020/post15.pdf>.

⁷¹ 'Честные люди' Telegram channel, https://t.me/honestpeople_by/317.

⁷² Observer groups reported dozens of incidents when independent observers attempted to monitor early voting by staying near the polling stations, but commissioners from pro-governmental organisations summoned police and claimed that these observers disrupted their work.

96 observers representing the 'Honest People' and 'Human Rights Defenders for Free Elections' initiatives were detained and arrested based on far-fetched and illegal grounds during the early voting period. Another 120 observers of the above mentioned initiatives were deprived of accreditation.⁷³

On the morning of August 9, the *ZUBR* platform reported receiving 828 reports of turnout discrepancies.⁷⁴ The presence of election observers was visible, and according to reports, observers from different independent and opposition initiatives worked together, exchanged information and coordinated the submission of electoral complaints.

Access to media outlets and social media platforms was limited due to a blockade of mobile internet across the country. The election violation reporting platform *ZUBR* and the alternative vote count platform *Golos*,⁷⁵ supported by more than 1.1 million citizens, were also affected. The blockade of *ZUBR* began on the morning of August 9,⁷⁶ and the *Golos* website was replaced by a phishing website asking for people's personal data.⁷⁷

In the last days of early voting, the campaign managers of the presidential candidates Tsikhanouska and Cherachen were jailed. Amid growing repression, opposition presidential candidates called for peace and the absence of violence.

Preparing for possible repressions against observers and ordinary citizens, the Human Rights Centre *Viasna* launched a Telegram bot⁷⁸ which could be used to notify human rights defenders when someone was detained, to verify whether those who were missing had been detained, or to obtain valuable information on how to prepare if one was going to attend a peaceful protest. Human rights organisations shared many informative and educational materials via their social media channels, while also organising national and regional hotlines for observers, detainees and their families.

In order to find out the real election result, Belarusians living abroad organised unofficial exit polls outside 27 polling stations in countries where there is a significant presence of the Belarusian diaspora.

From early morning on election day, the presence of the country's security forces, mainly the police, riot police, and the military, was visible across Belarus, and especially in the capital. Despite limited access to the internet, social media users shared pictures of special security forces and the army entering cities, installing fences outside government buildings, and closing down main squares and avenues in Minsk and in regional centres.

At many polling stations, the results of voting were not posted, as required by the Electoral Code. On August 9, after the end of voting, people began to gather near many polling stations demanding to post the voting protocols. As a result, at some polling stations the protocol was posted, while at others, the police intervened and detained active citizens.⁷⁹

⁷³ As it was reported by the 'Human Rights Defenders for Free Elections', only 93 (11.6%) of 798 observers of this initiative, accredited at the PEC, level had the opportunity to observe the early voting process for a certain time interval, and only one observer had the opportunity to fully observe all five days of early voting. Nevertheless, the majority of the above mentioned observers continued to do their job in the vicinity of the polling stations and recorded the turnout rate, as well as different irregularities: organised/forced participation of voters in early voting, illegal actions against observers, pressure on the voters, the absence of signatures on the protocols of early voting etc.

⁷⁴ *ZUBR* Telegram channel, https://t.me/zubr_in/116

⁷⁵ As of the morning of August 9th, more than 1 100 000 Belarusians signed up to use the *Golos* platform which aimed to conduct a parallel vote count.

⁷⁶ У Беларусі стаў кепска працаваць інтэрнэт, шэраг рэсурсаў заблакаваныя, <https://belsat.eu/news/u-belarusi-stau-kepska-pratsavats-inter-net-sherag-resursau-zablakavanyya/>

⁷⁷ В Беларусі падменилі версію сайта платформы «Голос», <https://www.dw.com/ru/v-belarusi-podmenili-versiju-sajta-platfomy-golos/a-54504222>

⁷⁸ Весна-бот, Telegram channel, http://t.me/viasna_bot

⁷⁹ According to the data of the Human rights center "Viasna", by 8 pm on 9 August there were already more than 50 detainees.

After polls closed on August 9 and the official exit poll results were published, protests erupted across the country. Media reports showed tens of thousands emerging on the streets of Minsk and cities and towns across the country. These were met with an unprecedented use of force and violence, despite the peaceful nature of the protests. Riot police attempted to disperse protests across the country using sound and flash grenades, tear gas and rubber bullets. According to the Ministry of Interior, during that first night around 3,000 people were detained in 33 cities across Belarus, though the real figures may be much higher. There was limited coverage of the events due to widespread internet blockades, with many internet services, media outlets, and social media sites having experienced disruptions across Belarus.

5.4. International observation

As previously noted, neither the OSCE/ODIHR nor the Council of Europe sent observation missions to Belarus, mainly due to a lack of formal invitation providing sufficient scope for long term observation. However, diplomats accredited in Belarus from some European states carried out their own observation as part of the Diplomatic Watch initiative, covering both early voting and election day.⁸⁰ They witnessed a lack of transparency and numerous problems that gave rise to suspicions of heavy falsifications of the results.

6. Adherence to political and human rights standards during the post-election period

6.1. Official decisions which run counter to political and human rights standards

Official complaints procedure

According to the ‘Human Rights Defenders for Free Elections’,⁸¹ petitions and complaints about violations of the Electoral Code did not have a noticeable impact on election procedures during various stages of the election. All appeals filed with the courts regarding decisions on the formation of election commissions (a total of 484 complaints) were either not granted (415) or left without consideration (69).⁸²

The Electoral Code contains a limited number of cases subject to judicial appeal, and the decision of the CEC on the establishment of the election results, as well as the corresponding decisions of the TECs, are among those cases not subject to such appeals.⁸³ Despite this, civil society organisations requested that the Supreme Court consider appeals against election results.⁸⁴

Observers of the ‘Human Rights Defenders for Free Elections’ campaign submitted about three thousand complaints to various state bodies and higher election commissions during the entire period of the election. However, observers are not aware of a single case when complaints of gross violations at the stage of voting and counting of votes were upheld. Furthermore, TECs did not review all complaints in public sessions in the presence of the complainant, and did not always

⁸⁰ Switzerland, Czech Republic, France, Netherlands, Italy, Estonia, Slovakia, Poland, Great Britain, Sweden, Latvia and Germany.

⁸¹ 2020 Presidential Election. Preliminary report on election observation. Full text, <http://elections2020.spring96.org/en/news/98942>.

⁸² <http://rec.gov.by/sites/default/files/pdf/2020/stat8.pdf>.

⁸³ In addition, the Electoral Code does not contain norms regulating the duration of procedural periods and conditions for their restoration. At the same time, the courts in their practice are guided exclusively by the norms of the Electoral Code, rather than the general norms of the Code of Civil Procedure. This legal uncertainty creates obstacles in exercising the possibility of appealing against violations of electoral rights by the subjects of the electoral process.

⁸⁴ Civil society organisations requested Supreme Court to consider election results appeals, <https://humanconstantia.by/en/civil-society-organisations-requested-supreme-court-to-consider-election-results-appeals/>.

issue written decisions.⁸⁵ Indeed, most observers stated that they had not received any answers to their complaints at all. Overall, **the handling of complaints fell short of providing effective remedy and possibly left infringements without sanctions.** This runs counter to article 92 of the Code of Good Practice on Electoral Matters of the Venice Commission.⁸⁶

On August 14, the CEC considered all the candidates' complaints and announced the final election results. The consideration of complaints was brief: the CEC rejected all complaints with virtually no explanation. CEC decisions on complaints are not available on its website and are not available to the public.

Use of force against peaceful protesters

The observation activities of the Monitoring Mission during mass protests against election results on August 9-11 **confirm multiple cases of arbitrary and disproportionate use of force by the Belarusian law-enforcement agencies against unarmed protesters.**

On August 9, after the official end of voting, Belarusian citizens, dissatisfied with their inability to cast their vote or with gross violations during voting and the counting of votes at their polling stations, began to assemble on the streets of Minsk as well as in many other cities. The police demanded that the demonstrators disperse under pretext that those spontaneous protests violated the provisions of the Law on Mass Events.⁸⁷ However, after protesters refused to leave, law-enforcement bodies brutally sought to disperse and detain people with the use of special equipment, including batons, water cannons, rubber bullets and stun grenades.⁸⁸

The clashes lasted from August 9 to 11 in the centre of Minsk and in many other cities of Belarus. The Ministry of Internal Affairs reported that more than 6,700 people were detained across the country during this period, though the number of those detained by the KGB of Belarus is not known and the fate of many people is also still unknown. In many cases, relatives were not informed of the fact of detention, nor were they provided with legal or medical assistance. Many detainees were reported to have been beaten and tortured by the police or other law-enforcement bodies representatives.

As a result of the clashes, at least two people were killed,⁸⁹ and more than 200 demonstrators were hospitalised due to serious injuries, including from firearms. In addition, more than 70 employees of the Ministry of Internal Affairs were injured.

Having studied numerous pictures and videos from the scenes of clashes in Minsk and other cities, the experts of the Monitoring Mission conclude that **the protests were mostly of a peaceful and spontaneous nature**, appearing in different parts of the city as a reaction to the announcement of the preliminary election results. The vast majority of photos and video materials show that **the protesters did not have any weapons or auxiliary means (such as batons, sticks, etc.), in their possession** and did not show unprovoked aggressive behaviour. Further, in the vast majority of cases, protesters did not carry out attacks or violations of law and order. Indeed, their dispersal was carried out only on the basis of formal violations of the Law on Mass Events, which in its content does not meet international standards. At certain times, some de-

⁸⁵TECs effectively ceased functioning immediately after completing tabulation, but before the three-day deadline for filing complaints. The commissions complained about a large number of complaints.

⁸⁶Code of Good Practice on Electoral Matters of the Venice Commission, <https://rm.coe.int/090000168092af01>

⁸⁷Until the end of voting, people could gather only upon notification as part of the campaign. The current law on peaceful assemblies actually requires per Mission from the authorities and a lengthy approval procedure.

⁸⁸There are also reports of the use of firearms, although the Interior Ministry denies this.

⁸⁹According to some reports, out of at least 5, <https://naviny.by/article/20200817/1597663611-skolko-chelovek-pogiblo-pri-razgonah-ulichnyh-akciy>

monstrators behaved aggressively and began to use available means – as was the case in the evening of August 10 in the vicinity of Pushkinskaya metro station in Minsk – but such happenings were primarily in response to disproportionately brutal beatings and detentions by law enforcement agencies.

Many videos filmed over the 3 days of clashes show **multiple cases when the law enforcement agencies arrested completely unarmed citizens who had not violated the law or public order**, while some videos show riot policemen snatching people out of a crowd of protesters or hitting people who show no resistance at all. A number of videos from the scene also present evidence of policemen throwing stun grenades directly at protesters,⁹⁰ with many going on to show people who had suffered from a direct hit by stun grenades. Furthermore, a lot of materials provide **evidence of protesters being shot at very close range with rubber bullets**, causing very serious injuries. Thus, it can be argued that **law enforcement officials used methods of influence that were not proportional to threats**.

Of particular concern are **the facts of torture and ill-treatment of detainees in the Minsk police department, as well as in temporary detention centres**. NGO Zvyano published a brief report on violations of the rights of participants of protests in Belarus from August 7, 2020, to August 14, 2020, where many shocking cases of torture and inhuman treatment, including denied access to medical treatment and legal advice, are presented.⁹¹

Despite a high number of complaints against police officers and the obvious facts of human rights violations by them, to date the authorities have not opened a single independent investigation into such allegations, nor have they initiated a single criminal case against the alleged perpetrators. Cases against the demonstrators on charges of preparing for or participating in riots, however, are indeed being actively investigated.

6.2. Media freedom

In the post-election period, the unprecedented pressure on journalists' continued. During the crackdown on protesters, the BAJ reports that 7 journalists were beaten by the riot police, while Natalia Lubnevskaya, a reporter from the independent media outlet Nasha Niva, was wounded by a rubber bullet on August 10. Indeed, photo evidence and video footage from the scenes of mass protests indicate the deliberate targeting of media representatives by policemen, despite the fact that they were marked as press with special identification items.

⁹⁰ The terms of use of such means stipulate that they can be used to counter riots, but grenades must be thrown near the protesters, since they can cause serious injuries if they hit a person.

⁹¹ The injured testify that they did not resist arrest, however, they were severely beaten with batons in the course of arrest, in the prisoner transport vehicle and upon arrival at the police department or temporary detention facility in Minsk. In the prisoner transport vehicle, police departments and temporary detention facility, people were kept on the ground in a kneeling position, standing against the wall, or lying in rows. New arrivals were forced to walk on those lying on the floor. Detainees spent 6-12 hours without being able to go to the toilet and without water or food. Some people stayed in crowded prisoner transport vehicles in the sun in a cramped position for over 6 hours. According to the injured, in temporary detention facilities people who wore t-shirts with the 'Pagonya' symbol were doused with water and hit with stun guns, some people were forced to eat their white bracelets. There is one report of intramuscular injections of sulfozinum in relation to foreign citizens, so as not to leave traces of beatings. There is also an injured person admitted to the Emergency Care Hospital, who was given psychotropic medications (a tablet under the tongue), after which she could not speak and had difficulty breathing. Many people report threats of murder and rape, putting a gun to their head, being stripped naked and leaving them in the open ground. Police responded to requests for medical help or water with beating. Several witnesses claim that they practiced beating up people "according to the instructions": one held the detainee, the other told how to turn him for beating. Prisoners were also beaten for no reason from time to time. All the prisoners say that for two days they did not receive food, only water, and later they were given bread and porridge once a day in insufficient quantities. 40-50 detainees were held in cells designed for 8-10 people. Source - Brief report of the on violation of the rights of participants of protests in Belarus from August 7, 2020 to August 14, 2020, <https://tinyurl.com/yypehynv>.

Against the backdrop of the full or partial disruption of the internet, access to the websites of independent media is still blocked or restricted.

In general, since the start of election process, the Belarusian Association of Journalists has registered 133 cases of serious violations against the rights and freedom of journalists. These include detentions, arrests, beatings and fines. As of August 12, twenty-five Belarusian journalists and media representatives remain detained by police all over Belarus.⁹² In response to these outrages, many foreign media outlets and associations of journalists shared their solidarity statements and called on the Belarusian authorities not only to stop violating the rights of journalists, but also to release those currently detained.

The post-election developments in Belarus also prompted a rapid rise of some Telegram channels which posted text and multimedia updates from the streets where protests took place. These channels proved to be very effective in disseminating information about protests and the excessive reaction of law-enforcement agencies. At the same time, some news pieces and updates contained false or distorted information – either unintentionally or on purpose. This has negatively influenced the level of neutrality and objectivity of media content, and created room for the dissemination of disinformation, given the growing number of subscribers.

6.3. Domestic civic response to the results of presidential election

Post-election protests in Belarus continued for several days. From August 9 to August 11, tens of thousands of peaceful protesters went out onto the streets to voice their disagreement with the election result announced by the Central Election Commission.

The internet, including social media sites, messenger tools and independent news outlets, was disrupted and could not be accessed in Belarus for three days. On August 12, internet connections and access to social media were restored. Once the internet was back on, social media became full of pictures proving that the police had used force against peaceful demonstrators at the beginning of the week. Those pictures and videos were widely shared by independent media and via social media channels, effectively leading to an even greater determination on the part of the Belarusian population to stop the violence and bring the perpetrators to justice.

Several hundred women dressed in white, as a symbol of change, went out on the streets to support peaceful demonstrators in Minsk, Hrodna, Vitebsk, Homiel, Zhodzina, Lida, and Baranavichy, showing solidarity and denouncing the use of violence.⁹³ That same day medical workers got together to demand an end to the use of violence against peaceful demonstrators.

On the night of August 12, the authorities began releasing detained demonstrators, allegedly due to overcrowding in detention centres. Those released told stories and showed signs of excessive violence, torture and inhumane treatment. Over the next couple of days, thousands gathered outside detention centres waiting for the release of their loved ones. Those detainees who were let go provided testimonials of being beaten, tortured, and held in overcrowded cells with little or no food and water. Belarusian human rights defenders started a campaign aiming to collect all evidence of ill-treatment of peaceful protesters by the police on the streets and at detention facilities.

On August 13, citizens organised spontaneous solidarity chains in cities and villages across the country. In Minsk, people gathered at Pushkinskaya metro station, where one of the protesters

⁹² Repression targets journalists in Belarus: international community must respond, 13.08.2020, <https://baj.by/en/content/repression-targets-journalists-belarus-international-community-must-respond>.

⁹³ Belarus crackdown: Women form human chains in 'solidarity' protests, <https://www.euronews.com/2020/08/13/belarus-un-human-rights-chief-condemns-crackdown-as-thousands-of-protesters-remain-in-cust>.

had been killed by the police. Diplomats also came to the site to lay flowers and commemorate the victim of the protests.⁹⁴ The demonstrations were largely peaceful and the authorities did not mobilise military and law enforcement.

On August 13 and 14, protesters were joined by workers from state-owned enterprises, including large factories such as MAZ, BelAZ, Belaruskali, and Grodno Azot, who declared a strike.⁹⁵ Workers called for an end to violence against peaceful protesters, for the release of detainees and political prisoners, and for new elections. Peaceful demonstrations across Belarus were supported by a wide range of groups – employees of state enterprises, doctors, IT professionals, teachers and more – and took a variety of forms, including solidarity chains, marches, strikes and flashmobs.

The civic campaign ‘BY_Help’ continued collecting funds to help those that suffered as a result of police brutality. By the end of the week, the campaign gathered more than 2 million USD and several parallel campaigns were launched to collect funds to help those affected, including people who had lost jobs as a result of the strikes. Multiple initiatives started offering all kinds of support, including legal, medical, psychological, logistical and financial assistance – and all information about available help has now been gathered at a dedicated site.⁹⁶ Moreover, help has also been given to those who were not directly affected by the violence, including solidarity chats for parents of detained teenagers, or retraining and skills development for those who were laid off because they participated in strikes.

The collection of photos of ballots and protocols from precinct election commissions continued throughout the week via the *Golos* and *ZUBR* platforms.⁹⁷ Preliminary data gathered through both platforms prove widespread electoral fraud by precinct election commissions across the country.

Belarusian civil society, especially the human rights defenders and the diaspora, have been very active in using their voice and their networks to inform the international community about what is going on in Belarus. During the post-election period, organisations issued multiple statements calling for the release of detainees and political prisoners and the cessation of hostilities.⁹⁸

6.4. International observation and political reaction

On the August 10, the CIS observation mission stated that the elections were very well organised, and that they did not observe any facts casting doubts on the legitimacy of the president-elect.⁹⁹ The same day, Vladimir Putin congratulated Aliaksandr Lukashenka for his victory at the presidential election.

In contrast, the European Union issued a Joint Statement by High Representative/Vice-President, Josep Borrell, and Neighbourhood and Enlargement Commissioner, Olivér Várhelyi. The statement did not comment on the election results, but admitted that “the election night was

⁹⁴Foreign diplomats pay homage to man who suffered death in Minsk protests, <https://belsat.eu/en/news/foreign-diplomats-pay-homage-to-man-who-suffered-death-in-minsk-protests/>

⁹⁵«Избивают наших детей, внуков». Работники предприятий по всей стране 14 августа выходят на акции, <https://finance.tut.by/news696621.html>

⁹⁶Probono.by, infocenter for victims support initiatives, <https://probono.by/>

⁹⁷Incidents report, <https://zubr.in/elections/messages>

⁹⁸Human rights activists call to end arrests, violence and use of weapons against peaceful civilians, <https://elections2020.spring96.org/en/news/98940>

⁹⁹Наблюдатели СНГ заявили, что выборы в Белоруссии соответствовали законодательству страны, <https://tass.ru/mezhdunarodnaya-panorama/9159751>

marred with disproportionate and unacceptable state violence against peaceful protesters”. However, the next day, August 11, Josep Borrell called the elections in Belarus “neither free nor fair”.¹⁰⁰

On August 10, the United States expressed its deep concern about the conduct of the presidential election, which was neither free nor fair, while the United Kingdom called on the Belarusian government to refrain from further acts of violence, following what it called a “seriously flawed” presidential election, and criticised a lack of transparency and the obstruction of independent observers.

On August 13, in an open letter, the Diplomatic Watch international observation initiative in Belarus indicated “numerous irregularities and significant problems that gave rise to suspicions of fraud and heavy falsification of election results”.¹⁰¹

For its part, the OSCE/ODIHR expressed grave concern at situation following presidential election,¹⁰² while Poland called for an emergency European Union summit on the situation in Belarus. The Swedish Minister of Foreign Affairs issued a statement saying that the election in Belarus was neither democratic nor fair and that this particular election had followed the same pattern as previous elections in Belarus, with the Minister of Foreign Affairs of Lithuania also condemning the “obviously undemocratic” elections. Similar concerns were expressed by Canada, Germany, Slovakia and others.

During a video conference on August 14, the Foreign Affairs ministers of the EU member states reiterated that the elections were neither free nor fair. The ministers also agreed on the need to sanction those responsible for violence, repression and the falsification of election results.¹⁰³ The same day, MEPs Robert Biedron and Petras Austrevicius were refused entry into Belarus.¹⁰⁴

7. Post-monitoring period developments in and around Belarus¹⁰⁵

The situation in the post-monitoring period (August 15-23, 2020) changed very dynamically, in a reflection of the circumstances of the developing crisis. While one positive development relates to an apparent subsidence in level of violence directed towards peaceful protesters by law-enforcement agencies and the continued release of detained citizens, many participants of the protests remain under arrest, or cannot be located.

Protests against the falsified results of the presidential election have reshaped their objectives towards less provocative forms of action, while also gaining in popular support. Mass peaceful rallies both on August 16 and August 23 generated unprecedented numbers of peaceful participants.¹⁰⁶

On August 14, Sviatlana Tsikhanouska, who is currently seeking refuge in Lithuania, called on the Belarusian authorities to stop the violence and enter into a constructive dialogue with society.

¹⁰⁰ Belarus: Declaration by the High Representative on behalf of the European Union on the presidential elections, <https://www.consilium.europa.eu/en/press/press-releases/2020/08/11/belarus-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-presidential-elections/>.

¹⁰¹ The letter was signed by 18 senior diplomats from European states, accredited in Belarus.

¹⁰² ODIHR gravely concerned at situation in Belarus following presidential election, <https://www.osce.org/odihr/belarus/459664>

¹⁰³ Video conference of Foreign Affairs Ministers: Main outcomes, https://eeas.europa.eu/headquarters/headquarters-homepage/84103/video-conference-foreign-affairs-ministers-main-outcomes_en.

¹⁰⁴ Lithuanian MEP blocked from traveling to Belarus, <https://www.lrt.lt/en/news-in-english/19/1211575/lithuanian-mep-blocked-from-traveling-to-belarus>.

¹⁰⁵ Although the official monitoring mandate of the EaP Monitoring Mission ended on the day when the CEC announced final results of the election (August 14), the monitoring team took a deliberate decision to follow events in Belarus in order to elaborate relevant policy recommendations. Thus, in this part only a brief overview of political and civic developments from August 15 to 23 is provided.

¹⁰⁶ Independent media report a number of hundreds of thousands of protesters, while the Ministry of interior affairs and state-run provide reduced data of 20-30 thousands of participants, <https://www.bbc.com/news/world-europe-53882062>

Tsikhanouska subsequently initiated the establishment of a Coordination Council¹⁰⁷ as a precondition for dialogue with the authorities and as a tool for the peaceful transfer of the power. On August 16, Tsikhanouska announced that she would assume the function of national leader.

The idea of a Coordination Council received wide support, and civil society took active steps to formally establish it, discussing the constellation and tasks of the Council over several days. In its initial configuration, the Coordination Council includes representatives of Sviatlana Tsikhanouska's and Viktor Babaryka's teams, Nobel prize winner Sviatlana Aleksiyevich, former Minister of Culture Pavel Latushka, human rights defender Ales Bialatsky, members of numerous political movements and parties, and representatives of several workers' committees, as well as other civil society activists.¹⁰⁸ The Coordination Council adopted the first Resolution and noted that it "aims to find ways to overcome the political crisis in the Republic of Belarus and ensure harmony in society on the basis of the Constitution". The Coordination Council declared that the only way to overcome the political crisis is to immediately start negotiations and develop mechanisms to restore the rule of law and hold new elections. Three basic preconditions for further dialogue have been mentioned:

- Ceasing violence and political persecution of citizens of the Republic of Belarus by the authorities, and bringing the perpetrators to justice.
- Releasing all political prisoners, cancelling unlawful court orders, and arranging the payment of compensation to all victims.
- Recognising the election of August 9, 2020, to be null, and conducting a new election according to international standards with a new composition of the election administration, including the CEC.¹⁰⁹

While the Coordination Council has sought to establish dialogue with the Belarusian authorities, the president has denied any legitimacy to this body and refrained from any meaningful dialogue. On August 18, Aliaksandr Lukashenka claimed the establishment of the Coordination Council to be an attempt of seizure of power "with all that that implies",¹¹⁰ and on August 20, the Prosecutor General's Office announced that a criminal case was being initiated against the establishment of the Coordination Council under the article 361 of the Criminal Code, pertaining to "Calls to action aimed at causing harm to national security".¹¹¹ At the same time, President Lukashenka has initiated mass rallies in his own support, in an attempt to showcase his legitimacy and popular approval.

Several senior representatives of state-run TV channels have since resigned and declared their intention to run an independent YouTube channel.¹¹² However, to shore up the pro-president

¹⁰⁷Sviatlana Tsikhanouskaya to Launch Coordination Council, <https://rada.vision/svetlana-tikhanovskaya-initsii-ruet-sozdanie-koordinatsionnogo-soveta>

¹⁰⁸Члены Совета, <https://rada.vision/book>

¹⁰⁹Resolution of the Coordination Council, <https://rada.vision/resoluciya>

¹¹⁰Лукашенко о координационном совете оппозиции: это попытка захвата власти со всеми вытекающими последствиями, <https://www.belta.by/president/view/lukashenko-o-koordinatsionnom-sovete-oppozitsii-eto-popytka-zahvata-vlasti-so-vsemi-vytekajuschimi-403259-2020/>

¹¹¹Конюк: Создание и деятельность Координационного совета направлены на захват государственной власти. Возбуждено дело, <https://news.tut.by/economics/697424.html>; Уголовный Кодекс Республики Беларусь, Статья 361. "Призывы к действиям, направленным на причинение вреда национальной безопасности Республики Беларусь", https://kodeksy-by.com/ugolovnyj_kodeks_rb/361.htm.

¹¹²Бывшие сотрудники БТ заявили о создании альтернативной телевидению онлайн-платформы, <https://baj.by/ru/content/byvshie-sotrudniki-bt-zayavili-o-sozdanii-alternativnoy-televideniyu-onlayn-platformy>.

propaganda and correct his public image, Russian PR and propaganda specialists have been invited to join the teams of Belarusian state-owned media.¹¹³ In parallel, the authorities have continued to restrict access to independent press and online media. For example, on August 21, the Ministry of Information restricted online access to a number of Belarusian and foreign media and political movements, including Radio Svaboda, Belsat TV, Euroradio, Solidarity newspaper, Udf.by, The Village, By.tribuna.com, Vitebsk Courier, People's News of Vitebsk, Masheka.by, and the website of the Human Rights Centre Viasna.¹¹⁴

On August 19, the president officially appointed a new government.¹¹⁵ Despite the earlier events characterised by violent crackdowns of peaceful protests, numerous facts of mishandling and tortures, and societal outrage at these actions, Lukashenka kept all of representatives of the various law-enforcement agencies in their positions.

Along with active involvement in peaceful rallies, civil society initiatives have continued to support victims of violence, providing medical and legal support to citizens released from detention centres. Some international and Belarusian NGO networks and initiatives have also declared their support for the promotion of dialogue.¹¹⁶

International actors have continued to call for dialogue with wider civil society and for an end to the political crisis and violence in the Republic of Belarus. Most importantly, on August 19, a video conference of the European Council took place: against the backdrop of the situation in and around Belarus, the European Union declared its non-recognition of the Presidential election results and called for a repeat of the vote in addition to dialogue between the government and civil society.¹¹⁷ The EU also displayed its support for OSCE proposals for dialogue in Belarus,¹¹⁸ and its readiness to provide assistance to advance such efforts.

At present, it is impossible to predict the further development of the situation in the Republic of Belarus, since events continue to unfold very dynamically. Crucial decisions have been taken both on the authorities' and protesters' side. Although request for a dialogue and new election generates more institutional momentum and popular support, it is very far from reaching a compromise as the Belarusian authorities still seek to deny any legitimacy to the Coordination Council and make no concessions on election issue. From other side, as Sunday's August 23 rally proved, the mass peaceful assemblies retain its popular support and generate a big number of participants despite several weeks of ongoing protests.

¹¹³ Бастующие сотрудники БТ сообщают, что их заменяют российскими специалистами, <https://news.tut.by/society/697252.html?tg>

¹¹⁴ BAJ demands to unblock websites, stop pressure on media, and ensure release of publications, <https://baj.by/en/content/baj-demands-unblock-websites-stop-pressure-media-and-ensure-release-publications>.

¹¹⁵ Александр Лукашенко назначил Премьер-министра и утвердил состав Правительства, http://president.gov.by/ru/news_ru/view/alexandr-lukashenko-naznachil-premjer-ministra-i-utverdil-sostav-pravitelstva-24351/.

¹¹⁶ EaP CSF Steering Committee statement ahead of the European Council video conference on the situation in Belarus, <https://eap-csf.eu/project/coordination-council-transfer-of-power-belarus-2020/>.

¹¹⁷ Conclusions by the President of the European Council following the video conference of the members of the European Council on 19 August 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/08/19/conclusions-by-the-president-of-the-european-council-following-the-video-conference-of-the-members-of-the-european-council-on-19-august-2020/>.

¹¹⁸ OSCE Chairmanship offers to visit Belarus, <https://www.osce.org/chairmanship/460384>.

ANNEX I - METHODOLOGY

About the Mission and its methodology

The EaP CSF Monitoring Mission to Belarus was formed based on the suggestions of the EaP CSF Belarusian National Platform (BNP) with the support of the EaP CSF Steering Committee and the participation of experts representing EaP CSF members.

Due to the situation related to COVID-19 and impossibility to travel to Belarus in the month of August 2020, the Monitoring Mission was of a short-term nature, combining online and offline tools.

The Mission was composed of six experts from EaP CSF member organisations: three from the EU and other non-Belarus EaP countries – Hennadiy Maksak (Mission Leader – Ukrainian Prism, Ukraine), Zofia Lutkiewicz (Political Accountability Foundation, Poland), and Nicolae Panfil (Promo-LEX, Moldova) – and three local experts from the BNP.

The duration of the Mission's field activity was from August 3 until August 17. The Mission studied retrospectively and monitored all the stages of the election process, starting from the call for the presidential election by the House of Representatives of the National Assembly on May 8 and ending with the final announcement of the election results by the Central Election Commission (CEC) on August 14, 2020. The Mission also took note of further political and social developments which unfolded in and around Belarus in post-monitoring period.

The areas of monitoring included the adherence of the authorities of the Republic of Belarus to political and human rights standards, as well as the civil society and media environment against the backdrop of the developments in the country in the run up to the presidential election and in its aftermath. At every stage of the election process, experts assessed the level of compliance of the Belarusian authorities with the principles of the International Covenant on Civil and Political Rights (ICCPR)¹¹⁹ and the 1990 OSCE Copenhagen Document¹²⁰ as well as previous OSCE/ODIHR recommendations, following the international observation mission conclusions in 2010 and 2015.

The main methods for collecting information included desk research and semi-structured interviews, facilitated by the BNP Mission members.

The Mission team has studied the current legislation of Belarus governing the presidential election process: the Constitution of the Republic of Belarus and the Electoral Code, the Law on Mass Media, the Law on Mass Events, relevant provisions of the Criminal Code, the Code of Administrative Offences, the Civil Procedure Code, and CEC resolutions.

Given the absence of a comprehensive international observation process from OSCE/ODIHR and PACE, in its assessment the Monitoring Mission also relied on monitoring reports and findings of the existing monitoring initiatives on the ground. These included both international initiatives

¹¹⁹ International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹²⁰ Document of the Copenhagen meeting of the Conference on the Human Rights dimension of the CSCE, <https://www.osce.org/files/f/documents/9/c/14304.pdf>

(the Diplomatic Watch,¹²¹ MEMO 98¹²²) and local ones ('Human Rights Defenders for Free Elections',¹²³ the Belarusian Association of Journalists,¹²⁴ Honest People initiative, *ZUBR* platform, NGO Zviano).

The Mission experts conducted over 30 interviews with media and civil society representatives, lawyers and human right activists, and members of political initiatives and electoral candidates' teams, as well as representatives of the EU Delegation in Belarus and embassies of the EU member states.

In addition to producing this final report and its conclusions, the Monitoring Mission, as an ad hoc instrument of the EaP Civil Society Forum, has paid a special attention to the development of recommendations for EU stakeholders from the EEAS, DG NEAR, the European Parliament, and the EU member states. These pertain to policy actions aimed at supporting civil society, human rights defenders and independent media in Belarus in the post-election period.

¹²¹ Open letter on Diplomatic Watch activities during Presidential Elections 2020 in Belarus, <https://www.rijksoverheid.nl/documenten/publicaties/2020/08/13/open-letter-on-diplomatic-watch-activities-during-presidential-elections-2020-in-belarus>

¹²² Statement is the result of a common endeavour involving MEMO 98, the EAST (Eurasian States in Transition) Research Centre and Linking Media, 09.08.2020, http://memo98.sk/uploads/content_galleries/source/memo/belarus-2020/campaign-report/m98_by_statement_final.pdf

¹²³ The campaign of election observation was carried out by the Human Right Centre "Viasna" and the Belarusian Helsinki Committee, <https://elections2020.spring96.org/en>

¹²⁴ The Belarusian Association of Journalists monitored the media coverage of the 2020 presidential election and presented two interim reports, <https://baj.by/en/analytics/coverage-2020-presidential-elections-belarusian-media-report-1>, <https://baj.by/en/analytics/coverage-2020-presidential-elections-belarusian-media-report-2>

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About EaP CSF

The Eastern Partnership Civil Society Forum (EaP CSF) is a unique multi-layered regional civil society platform aimed at promoting European integration, facilitating reforms and democratic transformations in the six Eastern Partnership countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Serving as the civil society and people-to-people dimension of the Eastern Partnership, the EaP CSF strives to strengthen civil society in the region, boost pluralism in public discourse and policy making by promoting participatory democracy and fundamental freedoms. For more information, please visit the EaP CSF website at www.eap-csf.eu.



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