



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Republic of Belarus. Presidential Election. August 9, 2020

Final report on election observation

December 9, 2020

Observation of the presidential election was carried out by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign “Human Rights Defenders for Free Elections”.

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CONCLUSIONS

The pre-election period was characterized by an economic decline against the background of contradictions in Belarusian-Russian relations and a considerable budget shortfall caused by a fossil fuels trade crisis. The situation was aggravated by the growing demands from the Russian side on the political agenda of bilateral relations and the linking of economic issues with “advanced integration” within the framework of the creation of the Union State of Russia and Belarus.

Foreign policy relations between Belarus and the EU countries and the United States, in turn, tended to progressively improve, taking into account, among other things, certain processes towards a dialogue on human rights, both domestically and on international platforms.

The Belarusian authorities have not implemented a single recommendation by the OSCE and national observers made following the previous elections.

The presidential election was held against the backdrop of the coronavirus pandemic, which obviously influenced the electoral preferences of voters. Despite the fact that, in general, the country applied a mild anti-epidemiological policy, including the government’s refusal to introduce serious quarantine measures, the CEC introduced special procedures that significantly reduced the level of transparency of electoral procedures, especially at the stage of voting and counting of votes.

The 2020 presidential election was held in an unprecedented atmosphere of fear and intimidation of society, against the backdrop of repression, which were triggered by the announcement of the election and marred every electoral phase. As a result of this repression, more than a thousand citizens were subjected to arrests, while hundreds were sentenced to short terms in prison or fined. Criminal cases targeted 23 people, including direct participants in the election: members of nomination groups and presidential nominees, as well as bloggers and participants in peaceful protests and pickets held to collect support signatures. All of them were called political prisoners by the Belarusian human rights community.

Popular blogger Siarhei Tsikhanouski, who announced his decision to run for president, was arrested to serve an earlier sentence of administrative detention and was unable to personally submit documents for registration of his nomination group. As a result, his wife Sviatlana Tsikhanouskaya decided to stand in the election. After his release and active participation in the election campaign of Sviatlana Tsikhanouskaya as the head of her nomination group, Tsikhanouski was again arrested as a result of a provocation. He was soon charged with organizing group actions that grossly violated public order, and at the end of the election campaign — with preparing for and organizing riots. In addition, Tsikhanouski faced a charge under Art. 191 of the Criminal Code after a personal complaint by the CEC Chairperson Lidziya Yarmoshina. On July 30, the Investigative Committee opened another criminal case against Tsikhanouski. He was charged under Part 3, Art. 130 of the Criminal Code (“deliberate actions aimed at inciting other social discord, calls for the commission of violent and aggressive actions in relation to law enforcement officers”). In addition, Tsikhanouski and Statkevich faced charges under Art. 13 and Part 2, Art. 293 of the Criminal Code (“preparation for mass riots”).¹

One of the most popular potential candidates, Viktor Babaryka, was arrested and taken into custody at the stage of collecting signatures. Several members of his nomination group were arrested, too,

¹ <https://www.interfax.ru/world/719599>

including the nominee's campaign manager Eduard Babaryka. They were charged with a series of economic crimes.

As a result, Siarhei Tsikhanouski and Viktor Babaryka were excluded from the election campaign. The circumstances associated with their arrest and detention allow us to conclude that their rights to be elected were arbitrarily violated.

The electoral process at all of its stages did not comply with a number of basic international standards for democratic and fair elections and was accompanied by numerous violations of these principles and requirements of national legislation. This was due to the exclusion of popular candidates from the election race, active use of administrative resources in favor of the incumbent, absence of impartial election commissions, unequal access to the media, numerous facts of coercion of voters to participate in early voting, and the closed nature of a number of electoral procedures for observers.

The CEC's imposition of restrictions on the number of observers at polling stations led to the disruption of observation of all types of voting (early voting, voting on Election Day, and home voting), as well as the counting of votes. These important stages of the election were completely opaque.

Significant violations of national legislation and the fundamental principles of fair and democratic elections, including the deprivation of observers' right to monitor the counting of ballots, do not give grounds to trust the election results announced by the CEC or consider them as a reflection of the actual will of the citizens of Belarus.

Election commissions

When forming the election commissions, executive committees applied a discriminatory approach to representatives of opposition parties: out of 25 candidates from opposition parties, only two were included in the TECs, and out of 545 candidates nominated by opposition parties, only 6 people were included in the PECs (1.1%). Representatives of opposition parties in the TECs accounted for 0.1% of their members, and in the PECs — 0.009%, which is five times less than in the 2015 presidential election.

In fact, representatives of opposition political parties were completely excluded from the work of election commissions, which were formed exclusively from representatives of pro-government organizations. The absence of opposition representatives on the election commissions made their work completely closed from the public and undermined public confidence in their activities.

Most members of election commissions traditionally represented the five largest pro-government public associations: the Belarusian Republican Youth Union (BRSM), Belaya Rus, the Women's Union, the Union of Veterans, and trade unions of the Federation of Trade Unions of Belarus (FPB).

The absence in the electoral legislation of guarantees for the representation in election commissions of representatives nominated by all political actors taking part in the elections, as before, resulted in an arbitrary and discriminatory approach towards opposition parties and movements.

Nomination and registration of candidates

55 people submitted documents for the registration of their nomination groups, which is an all-time record in the entire history of presidential elections in Belarus. The CEC registered 15 of them, which accounted for 27% of the total number of considered applications.

Refusals to register some nomination groups alleging violations of voluntary participation in elections testify to manipulations by the CEC with the provisions of the Electoral Code and violate the principle of equality of candidates. The results of consideration of appeals against refusals to register nomination groups by the Supreme Court demonstrated the ineffectiveness of this remedy for electoral campaign participants.

The collection of signatures was marred by serious violations of the standards of free and democratic elections. The nomination groups of some contenders were under significant pressure from law enforcement agencies. Some of the members of the nomination groups of Sviatlana Tsikhanouskaya and Viktor Babaryka were arrested and taken into custody within the framework of a series of criminal cases, including presidential nominee Viktor Babaryka himself. Their persecution was condemned as politically motivated by the Belarusian and international community, and the detainees were called political prisoners.

The election commissions confirmed the collection of the required 100,000 support signatures by six potential candidates. The verification of signatures, as before, was not transparent. An additional reason for mistrust in its results and a subject of a wide public debate was the fact that the CEC validated thousands of signatures which were not reported by two potential candidates.

Of the seven persons who were nominated for the presidency and submitted the signatures collected for their nomination, five were registered as candidates: Sviatlana Tsikhanouskaya, Andrei Dzmitryeu, Hanna Kanapatskaya, Siarhei Cherachen, and Aliaksandr Lukashenka.

Candidate registration was marked by violations of the standards of fair elections. Viktor Babaryka was denied registration based on confidential information provided by the State Control Committee, an authority investigating the nominee's criminal case, which contradicts the principle of the presumption of innocence. The CEC's decision to disqualify Viktor Babaryka violated his right to be elected.

The selection of illegal picketing places for collecting signatures did not create serious obstacles to the collection of signatures by the nomination groups. The absence of a unified approach of local authorities to the definition of such places was noted, however.

The permission to collect signatures on the territories of enterprises and institutions created additional conditions for the illegal use of administrative resources in support of the current head of state, as the collection of signatures for the nomination of Aliaksandr Lukashenka was often carried out during working hours, on the territory of enterprises and institutions, with the direct participation of their administrations and in some cases with the use of threats and coercion.

Election campaigning

The election campaign significantly differed from the previous elections by the wide public activity of the protest electorate, both in Minsk and smaller Belarusian cities. The campaign of Sviatlana Tsikhanouskaya, supported by representatives of the joint headquarters, became the most active and noticeable in society. Rallies in her support were attended by tens of thousands of people in different cities of the country.

In the second half of the campaign, there were numerous reports of obstacles created by local authorities to the holding of events in support of presidential candidate Sviatlana Tsikhanouskaya. In the last week, in some cities, several scheduled rallies in support of her were canceled for various far-fetched reasons: repair work, an exhibition of equipment, festive and entertainment events, etc.

Opportunities to receive information about presidential candidates were severely limited by local executive committees, which sharply reduced the number of locations for election campaigning, as compared to the 2015 presidential election. In many cases, these places were unsuitable for campaign purposes (remote, with poor transport accessibility, etc.).

In general, the electoral legislation and, above all, the practice of its application do not contribute to the conduct of a visible election campaign.

The phase of election campaigning took place in unequal conditions: having abandoned official campaigning, the current President made the most of the administrative and propaganda resources of the vertical of power, pro-government public organizations and the media. The President's annual address to the Belarusian people and the National Assembly, postponed from April to August 4, was widely circulated in the media, which constituted illegal campaigning for the head of state as one of the candidates. In the regions, meetings of the incumbent's proxies and representatives of the authorities of different levels with labor collectives were intensively organized. They were held during working hours, at workplaces and were not always announced; journalists were not allowed to attend some of these meetings or were forbidden to take photos.

Campaigning for the incumbent was accompanied by a wide campaign of discrediting the most active presidential candidates. The government-owned television channels used facts of criminal prosecution of election campaign participants, e.g. Sviatlana Tsikhanouskaya and Viktor Babaryka, which violated the presumption of innocence. For the first time ever, Telegram channels were actively used to promote the negative image of alternative candidates and their programs, as well as to discredit them.

Several incentive measures taken at the initiative of the incumbent, including increasing retirement pension rates and re-scheduling their payment to an earlier date, were actually bribery of voters and the use of administrative resources.

The headquarters of alternative presidential candidates actively used the Internet and social media to campaign in favor of their candidates, as well as the YouTube video service.

Early voting

According to official data, 41.7% of voters took part in early voting, which is an all-time record for the presidential elections in Belarus. In fact, early voting has become the norm, which does not meet the requirements of the Electoral Code.

The restrictions imposed by the CEC on the number of observers at polling stations during early voting made this electoral phase completely opaque for independent citizen and partisan observation.

Of the 798 observers of the observation campaign "Human Rights Defenders for Free Elections" accredited at polling stations during the early voting period, only 93 (11.6%) had the opportunity to be present part time at polling stations, which did not cover the entire voting period. Only one campaign representative had the opportunity to observe during all five days of early voting.

During early voting, observers of “Human Rights Defenders for Free Elections” documented numerous facts of organized and forced voting of certain categories of voters (military personnel, employees of the Ministry of Internal Affairs, Ministry of Emergency Situations, employees of government-owned enterprises, citizens living in dormitories), as well as numerous and widespread facts of inflating the voter turnout.

The practice of early voting remains one of the systemic problems of the electoral process, creating ample opportunities for the use of administrative resources and other manipulations.

Voting at polling stations and counting of votes

Voter lists at polling stations remain closed to observers. A unified voter register has not been created, which creates conditions for turnout manipulation.

Observers of “Human Rights Defenders for Free Elections” were deprived of the opportunity to directly observe voting at polling stations, as well as home voting.

Where observers were allowed to monitor outside polling stations, e.g. in many polling stations in Minsk and Brest, large queues of voters were observed, and in some cases, the total turnout exceeded 100%. In many cases, voters did not manage to vote before the polling stations were closed. These facts once again confirm the clear overstatement of the early voting turnout.

The legislation does not provide for the method of counting ballots by precinct election commissions. There is no clear-cut procedure for counting votes, whereby the mark on each ballot is announced aloud and the ballot is displayed to all PEC members and observers present.

Due to the fact that observers of “Human Rights Defenders for Free Elections”, as well as observers of other civil initiatives and opposition political parties, were not allowed to observe the counting of votes, there is every reason to assert that the establishment of the voting results was completely opaque. This is a violation of one of the fundamental principles of elections — the transparency of their conduct.

The final protocols with the results of the counting of votes were not published at a significant number of polling stations, which, together with the lack of transparency in the counting of votes, testifies to the authorities’ intention to conceal the falsification of the voting results and the actual counting figures. This gives every reason to doubt the validity of the voting results established by precinct election commissions.

Electoral complaints

Petitions and complaints about violations of the Electoral Code during various stages of the election did not have a noticeable impact on election procedures. All appeals filed with the courts regarding decisions on the formation of election commissions (484) were either not granted (415) or left without consideration (69).²

The consideration by the Supreme Court of appeals against the CEC’s decisions to deny registration to presidential candidates Viktor Babaryka and Valery Tsapkala also demonstrated formal approaches of the courts.

The filing of complaints and petitions remains an ineffective means of protecting the violated electoral rights of persons running for presidency, other electoral participants and observers. The

² <http://rec.gov.by/sites/default/files/pdf/2020/stat8.pdf>

effectiveness of judicial procedures for challenging violated rights is also hampered by the absence of genuine independence of judges.

The Electoral Code, as before, contains a limited list of cases subject to judicial appeal. The decision of the CEC on the establishment of the election results, as well as the corresponding decisions of the TECs, are not subject to judicial appeal.

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.

Observers of “Human Rights Defenders for Free Elections” 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 alleging electoral violations at the stage of voting and counting of votes were granted.

Situation in the post-electoral period

On August 9, after the closure of polling stations in many cities of the country, citizens took to the streets to protest against the unfair elections, demanding an honest vote count. An additional trigger was the publication of the results of an exit poll conducted by the Youth Laboratory of Sociological Research of the Belarusian Committee of Youth Organizations at the request of the Belarus office of the Interstate TV and Radio Company “Mir”. The results, which were shared by the key state-owned media³, alleged that Aliaksandr Lukashenka won the election with 79.7% of the votes.

Despite the generally peaceful nature of the protests, on August 9-12, disproportionate physical force, riot control equipment and, for the first time in the history of Belarus, stun grenades, water cannons and non-lethal (in some cases, lethal) weapons were used against the demonstrators, as well as random people who happened to be in places of clashes with the security forces. Officers of special police forces carried out mass detentions of protesters, people who carried campaign logos of alternative candidates, white-red-white symbols, as well as photographs of ballots, voting protocols in the memory of their mobile phones, subscriptions to protest channels and groups on social media. In addition, there were multiple arrests of bystanders.

In the first night of protests alone, according to the Interior Ministry, more than 3,000 people were detained; in the first three days — more than 6,000 people. On August 12 — 700 more people. Detentions were carried out in almost all cities of the country. In total, during May-October 2020, according to the Ministry of Internal Affairs, more than 16,000 people were detained. There is every reason to believe that this is incomplete data.

The Ministry of Health said that over 200 people were taken to hospitals with injuries in the first two days of protests, several of them required surgery. According to the data received by human rights defenders from doctors, more than 1,200 people applied to health care institutions in Minsk from 9 to 21 August alone. Two demonstrators died as a result of the use of weapons. One died as a result of a failure to provide medical care while serving a term of administrative detention, which was imposed on him for participating in the protests.

³ <https://www.belta.by/society/view/obnarodovany-rezultaty-natsionalnogo-exit-poll-na-vyborah-prezidenta-402203-2020>

As early as August 11, evidence appeared that punitive measures were taken against peaceful demonstrators and bystanders of unprecedented scope and cruelty: police and special forces officers beat the detainees after their arrest, in police vans, in the premises and on the territory of police departments, in other premises belonging to the internal affairs bodies, which were used for the accumulation and detention of protesters, as well as in detention facilities — detention centers, prisons and pre-trial detention centers.

Almost all detainees became victims of torture and other forms of cruel, inhuman and degrading treatment to one degree or another. Employees of the Ministry of Internal Affairs and special forces committed these actions wearing masks and without identifying insignia. Acts of prohibited treatment were massive and systemic. Interior Ministry officials confirmed with varying degrees of certainty that the acts of violence were not isolated abuse of power by individual officers, but were planned in advance in response to the protests. In particular, the then-Minister of Internal Affairs Yury Karayeu said in an interview that he controlled his subordinates, and their aggression was a response to the violence against their colleagues. He also threatened to “respond with lawlessness” to the persecution of his subordinates. Karayeu said that some detainees did not face administrative charges, which suggests the arbitrary nature of the detentions. Thus, the head of the Ministry of Internal Affairs, as well as the country’s leadership, failed to condemn the facts of torture and cruelty by their subordinates. To date, the prosecutor’s offices and the Investigative Committee have not initiated a single criminal case to investigate reports of torture and ill-treatment. At the same time, at the time of the preparation of this report, more than 2,000 statements of torture victims were known to have been sent to the Investigative Committee. The Human Rights Center “Viasna” alone has documented more than 500 cases of torture.

The criminal prosecution of citizens has become one of the main types of repression used by the Belarusian authorities during the acute crisis of human rights, which began in the post-electoral period. According to the Prosecutor General, more than 400 criminal cases were opened for participation in demonstrations under various articles of the Criminal Code, primarily under Article 342 (organization and preparation of actions that grossly violate public order, or active participation in them) and Article 293 (mass riots).

In the post-electoral period, the number of political prisoners in the country has sharply increased. There were 24 political prisoners in Belarus before August 9. At the time of writing, the number had increased to over 100.

On August 11, presidential candidate Sviatlana Tsikhanouskaya was forced to leave Belarus after threats from representatives of the Belarusian security forces.

On August 20, the Prosecutor General’s Office initiated a criminal case under Art. 361 of the Criminal Code (calls for actions aimed at causing harm to the national security of the Republic of Belarus) targeting the opposition Coordination Council, which was created to organize the process of overcoming the political crisis and ensuring peace in society. Within the framework of the criminal case, all members of the Council’s presidium were questioned as witnesses, including the Nobel Prize winner in literature, famous Belarusian author Svetlana Alexievich.

In September, the authorities continued to use the practice of forcibly expelling opposition figures from the country, which they first used against presidential candidate Sviatlana Tsikhanouskaya in August. In particular, on September 6, it became known that Volha Kavalkova, a member of the Presidium of the Coordination Council, who was serving a term of administrative detention under Art. 23.34 Administrative Code (organization or participation in an unauthorized mass event) in the Center for Isolation of Offenders in Minsk, left the territory of the Republic of Belarus. At a

press conference in Warsaw on September 6, Kavalkova said that she had been expelled from Belarus to the neighboring Poland.

On September 7, a member of the Presidium of the Coordination Council Maryia Kalesnikava was abducted in central Minsk. Eyewitnesses saw unknown persons in civilian clothes grab Maryia and push her in a minibus. On the same day, the press secretary of the Coordination Council Anton Radnianski and lawyer Ivan Krautsoi were detained. As it later became known, Kalesnikava, Radnianski and Krautsoi were forcibly brought to the Ukrainian border to be expelled from the country. However, having torn her passport at the border crossing and jumping out of the car, Maryia Kalesnikava thwarted the expulsion organized by the Belarusian security forces. After that, nothing was known about Kalesnikava's whereabouts for 24 hours. Later, after her transfer to the pre-trial detention center, Kalesnikava wrote to the Investigative Committee asking to open a criminal case into her abduction, death threats and an attempt to forcibly expel her from the country.

On September 9, lawyers Maksim Znak and Illia Salei, both members of the Presidium of the Coordination Council, were detained. Searches were carried out in their apartments. On the same day, the Investigative Committee officially announced that all three had been detained as suspects in a criminal case initiated under Part 3 of Art. 361 of the Criminal Code (calls for actions aimed at causing harm to the national security of the Republic of Belarus). Later, they were formally charged and their pre-trial detention was ordered.

The Belarusian human rights community continues to call on the authorities of the Republic of Belarus to immediately release all political prisoners as a first step towards a possible dialogue both at the international level and inside the country. Similarly, EU countries and international organizations, of which the Republic of Belarus is a member, are calling for the release of all political prisoners.

Representatives of independent media were repressed in the post-electoral period. According to the BAJ, between August 9 and the time of writing, more than 300 arrests of journalists were documented. 45 journalists were subjected to short terms of administrative detention. 57 were victims of violence committed by representatives of the security forces⁴. In addition, in August, the Ministry of Information restricted access to a number of websites of independent media and Internet resources. After the start of mass protests in the country, the Internet was shut down for three days.

On October 10, Aliaksandr Lukashenko met with several political prisoners in the KGB pre-trial prison. The meeting was attended by, among others, by Viktor Babaryka and Siarhei Tsikhanouski. The meeting was said to have discussed issues of constitutional reform and ways to overcome the political crisis. Within a few days after the meeting, several of its participants were released from pre-trial detention and placed under house arrest.

Describing the post-electoral period as a whole, it should be noted that the authorities' attempts to respond to peaceful protests with brutal violence and repression led to a profound political crisis, a catastrophic human rights situation, as well as a complete devaluation of the rule of law. The Belarusian authorities have committed and continue to commit massive violations of human rights, while the country's legal system has been unable to provide adequate legal protection for violated rights.

⁴ Mass media in Belarus, e-newsletter, # 3(62), 2020: <https://baj.by/sites/default/files/analytics/files/2020/smi-03622020-en.pdf>

It was in connection with the massive and systemic violations of human rights that the OSCE Moscow mechanism was launched against Belarus for the second time in the last 10 years. Hearings were held the UN Human Rights Council and a resolution was adopted, as a result. A number of other international procedures were triggered.

For the first time in the history of Belarus, mass protests demanding the resignation of President Lukashenka and the holding of new elections are of such a massive and long-term nature.

The holding of rigged elections led the Lukashenka regime to international isolation on the part of the Western countries, as the EU countries, the UK, the USA and Canada said that they no longer recognized Lukashenka as a legitimately elected president. For the first time in 26 years of his rule, Lukashenka has lost the support of the majority of the Belarusian society, which may lead in the near future to serious internal political changes in the country.

INTRODUCTION

The civil election observation campaign “Human Rights Defenders for Free Elections” is a non-partisan joint initiative of the Human Rights Center “Viasna” and the Belarusian Helsinki Committee, in partnership with the Belarusian Language Society.

The goal of “Human Rights Defenders for Free Elections” is to observe the elections, assess the electoral process in terms of its compliance with Belarusian electoral legislation and international standards for free and democratic elections, to inform the Belarusian public, government agencies and the international community about the results of observation and to prepare recommendations and proposals for improving the electoral legislation and the practice of its application.

Since the first day of the election, 52 long-term observers were involved in the campaign. As a result, the observers were deployed to cover more than 70% of the country’s voters. The results of the processing of weekly reports submitted by the observers were disseminated through weekly and milestone reports on every electoral phase.

During early voting and on Election Day, August 9, 798 short-term observers were accredited at polling stations throughout the country. However, after on July 22 the CEC imposed restrictions on the number of PEC observers and the quotas were filled by observers from pro-government organizations and parties, the overwhelming majority of accredited observers were unable to observe all stages of voting and counting.

OBSERVATION CONDITIONS

Apart from “Human Rights Defenders for Free Elections”, nation-wide observation was carried out by the Prava Vybaru (“Right to Elect”) campaign, which brings together several opposition parties and movements, as well as the Chestnye Lyudi (“Honest People”) initiative and the Zubr online monitoring system.

For the first time in the history of Belarusian elections, the vote was not observed by an OSCE ODIHR international mission.⁵ An official invitation from the Belarusian Foreign Ministry was sent to the OSCE ODIHR only on July 15, i.e. more than two months after the start of the election, which prevented it from observing key aspects of the electoral process.

⁵ <https://www.osce.org/odihr/elections/457309>

Similarly, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe refused to send missions to Belarus.

The only international observation mission was deployed by the CIS Parliamentary Assembly.

In accordance with Art. 13 of the Electoral Code, elections in the Republic of Belarus are held openly. Observers have the right to be present at meetings of election commissions, at polling stations and during the counting of votes. The rights and responsibilities of observers are also regulated by Art. 13. The procedure for their nomination and accreditation is regulated by a resolution of the CEC.

On July 22, the CEC approved Resolution No. 115, which amended its earlier Resolution No. 15. According to this resolution, in order to prevent the spread of coronavirus infection, restrictions were imposed on the number of observers at polling stations and in territorial election commissions during the receipt of protocols from the PECs.

In particular, according to the amended para. 16 of the resolution, the meetings of precinct commissions and the reception of protocols from precinct commissions by territorial commissions could be attended by no more than five observers present in the polling premises at the same time. During the period of early voting, no more than three observers were allowed in one polling station. If the number of members of the commission did not exceed seven, no more than half of the PEC members had the right to be present at its meetings and in the polling station. The right of observers to be present at polling stations was determined by the order of their accreditation with the corresponding commissions. This requirement did not apply to foreign (international) observers, members of the House of Representatives of the National Assembly and members of the Council of the Republic of the National Assembly of the Republic of Belarus, members of local councils of deputies, and proxies entitled to be present at any polling station. Also, these restrictions did not affect the media.

Later, the CEC prepared a message⁶ on the procedure for monitoring the precinct commissions. According to the report, the PECs had to make two observation schedules at the polling stations: for the early observation period and for the main voting day. Each day of early voting was divided into two periods — from 10 am to 2 pm and from 2 pm to 7 pm. The main polling day was also divided into two periods — from 8 am to 3 pm and from 3 pm to 8 pm and the counting period. The PECs were then instructed to draft the schedules after interviewing the observers by phone. The survey was conducted based on the order of accreditation of observers in the precinct commission. With this in mind, when drawing up the schedule for the period of early voting, the first three observers in the accreditation book were given the opportunity to choose the date and period (dates and periods) of observation, while the remaining dates and periods were offered to the following observers. A similar schedule was drawn up for the main voting day, August 9, which increased the maximum number of observers to five. This procedure was applied only in those polling stations where the number of accredited observers exceeded the quotas established by the Central Election Commission.

These changes, which were enforced by the CEC a few days before the start of early voting, made it virtually impossible for independent observers and observers representing the headquarters of alternative presidential candidates to monitor the voting process and the counting of votes at polling stations.

⁶ <http://www.rec.gov.by/sites/default/files/pdf/2020/inf7.pdf>

Given that by the time of the amendments to the CEC resolution, more than 40,000 observers representing pro-government political parties and public associations had been accredited as observers in precinct election commissions, it can be concluded that the authorities artificially created conditions under which independent observation at the voting and counting phases was effectively disrupted.

Speaking about the need to amend Resolution 15, CEC Chairwoman Lidziya Yarmoshyna referred to the recommendations of the Ministry of Health requiring sanitary and anti-epidemic measures during the presidential election. An analysis of these recommendations leads to the conclusion that they were adequate to the current situation in the country and were aimed primarily at creating the necessary conditions to prevent the spread of COVID-19. However, instead of taking into account these recommendations, the CEC artificially and unjustifiably limited the possibilities of observation.

62% of all observers accredited with the PECs in June represented the largest pro-government NGOs (BRSM, Belaya Rus, Women's Union, Union of Veterans, FTUB trade unions and Belarusian Peace Foundation).

It is worth noting that these same public associations and parties traditionally make up the majority of election commissions of all tiers.

According to "Human Rights Defenders for Free Elections" observers, in most cases they did not encounter problems in accrediting with the polling stations. However, in the books of accreditation, they were mentioned under Nos. 6, 7, 10, 11, and sometimes No. 20, which effectively deprived them of the opportunity to observe the voting and counting of votes. Most of the previously accredited observers were registered immediately after the first PEC meetings, i.e. on June 24 or 25.

In connection with the situation, representatives of the campaign adopted a statement⁷ in which they called on the CEC to reconsider its decision and to arrange livestreaming of voting and vote counting.

A total of 798 observers from "Human Rights Defenders for Free Elections" were accredited with the PECs (through collecting voters' signatures, as well as from the BHC and the Belarusian Language Society).

Of these, only 93 observers were admitted, which is 11.5% of the total number of accredited campaign representatives, but only for a certain period of time, which did not cover all days of voting and counting. Only one observer was able to fully observe the entire voting (early voting, voting on the main day and home voting) and the counting of votes.

From the outset of early voting, observers were pressured and harassed by PEC members, police, and some by their employers. Dozens of observers were detained and subjected to administrative sanctions resulting in short terms in prison, including observers of the campaign "Human Rights Defenders for Free Elections". Nine observers of the campaign were detained, 18 were deprived of accreditation.

⁷ <https://elections2020.spring96.org/en/news/98397>

ELECTION COMMISSIONS

The formation of election commissions took place according to the rules established by the Electoral Code. Certain issues of their formation were regulated by the CEC's Resolution No. 13 of May 8, 2020 "On clarification of the application of the provisions of the Electoral Code of the Republic of Belarus on the procedure for forming election commissions for the elections of the President of the Republic of Belarus in 2020" as amended by the CEC's Resolution No. 24 of May 15, 2020, as well as the CEC's Resolution No. 17 of May 8, 2020 "On the procedure for participation of citizens of the Republic of Belarus outside the Republic of Belarus in the elections of the President of the Republic of Belarus in 2020".

Territorial commissions (hereinafter — TECs) — regional, Minsk city, district, city (in cities of regional subordination, except for cities with district subdivision), district (in cities) — and precinct election commissions (hereinafter — PECs) consist of representatives of political parties, other public associations, labor collectives, as well as representatives of citizens, who are nominated to the commissions by collecting signatures. The bodies that form the commission, as a rule, form at least one third of its members from representatives of political parties and other public associations. This provision is not used in the formation of precinct commissions in hospitals, as well as outside the Republic of Belarus. Civil servants may not make up more than one third of the commission. This provision is not used in the formation of precinct commissions outside the Republic of Belarus. The commission may not include judges, prosecutors, heads of local executive and administrative bodies.

Representatives of the subjects which nominated their representatives to the commissions (political parties, public associations, labor collectives and citizens who nominated their representative to the commission) have the right to attend the meetings of the bodies forming the commissions. Thus, the issue of the presence of observers at these meetings has not been resolved by the Electoral Code. Selection to the commissions is made after submission for discussion of "professional and personal qualities" of the persons nominated to the commissions, and if the number of the applicants exceeds the stipulated number of members, information on each candidate shall be announced and each applicant shall be put on a separate vote.

The CEC Resolution of May 8, 2020 No. 13 "On clarification of the application of the provisions of the Electoral Code of the Republic of Belarus on the procedure for forming the election commissions for the elections of the President of the Republic of Belarus in 2020" changed the approach used in previous elections: in order to prevent the spread of coronavirus, it was planned to hold the meetings in the absence of representatives of political parties, other public associations, labor collectives, citizens, mass media and other invited persons. At the same time, the bodies in charge of forming the commissions were obliged to ensure livestreams of the meetings on the websites of the executive committees or publish on these websites full videos of the meetings. Meetings of the bodies were allowed to be held under the same rules. In the updated version of the resolution, the bodies in charge of forming the commissions were given the right to decide whether to livestream their meetings (publish videos) or to hold meetings in the presence of representatives of political parties, other public associations, labor collectives, citizens, media and other invited persons. This resolution did not contain specific rules on the admission of observers to the meetings. During the last elections, representatives of national public associations and political parties whose observers were accredited with the CEC were allowed to attend commission meetings.

Thus, by adopting changes to its initial resolution, the CEC did not avoid interfering in the content of the corresponding provision of the Electoral Code, but at the same time reduced the positive effect of introducing new practices, which could have increased the openness and transparency of elections.

Territorial election commissions

Nomination of representatives to the TECs was carried out in due time (no later than May 17). According to the CEC⁸, 2,171 people were nominated to 153 territorial commissions. Of the 15 registered political parties in the country, eight nominated their representatives to the territorial commissions, including three opposition ones: the United Civil Party (three representatives), the BPF Party (six representatives), and the Belarusian Social Democratic Party (Hramada) (16). Unlike in the previous elections, the Belarusian Left Party “Just World” refused⁹ to participate in the election. Members of the Belarusian Party “Greens” also refused to run¹⁰. The statements by the parties, in particular, noted that holding the election during the COVID-19 pandemic was an “irresponsible decision that endangers people’s lives”.

A total of 179 representatives were nominated by political parties, which is only 8.25% of the total number of candidates. Belaya Rus, Belarusian Republican Youth Union, member organizations of the Federation of Trade Unions of Belarus, Belarusian Women’s Union, Belarusian Public Association of Veterans, and the Belarusian Peace Foundation nominated 989 representatives, or of the total number of representatives of public associations and 45.6% of all applicants.

Joint meetings of the presidiums of councils of deputies and the corresponding executive committees were held in accordance with the Electoral Schedule, no later than May 20.

41% of the campaign observers noted that the meetings were livestreamed, while 15.9% were not, but followed by full online videos.

29.5% said that, like before, the entities that nominated their representatives to the commissions were invited to the meetings, while the meetings were not livestreamed and no videos of the meetings were posted.

The lack of the right of representatives of public associations to attend the meetings that formed the election commissions, as well as absence of a uniform approach to holding these meetings, enshrined in the CEC Resolution, led to the observers’ failure to monitor this important phase of the election.

As in the previous elections, observers noted a rather formal approach to the establishment of TECs by the bodies in charge. 54.2% of the campaign’s observers noted that during the meetings there were no discussions when deciding on the inclusion of nominees in the commissions, but in most cases (81.3%), proposed persons were introduced and their brief biographies were announced.

According to the CEC¹¹, 1,989 persons became members of 153 territorial commissions. The commissions included 641 representatives of citizens nominated by submitting applications (32.2%), 101 representatives of labor collectives (5%), and 152 representatives of political parties (7.6%). Most members of the commissions were representatives of public associations — 1,095

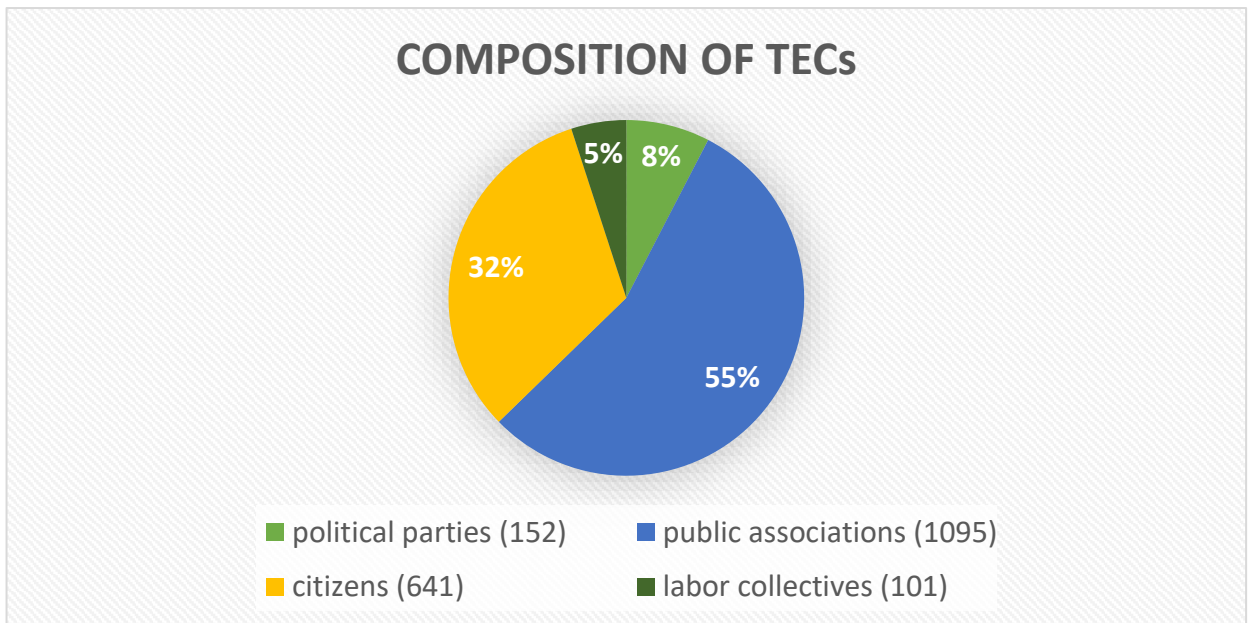
⁸ <http://rec.gov.by/sites/default/files/pdf/2020/stat1.pdf>

⁹ <http://spravmir.org/2020/05/10/statement-elections2020/>

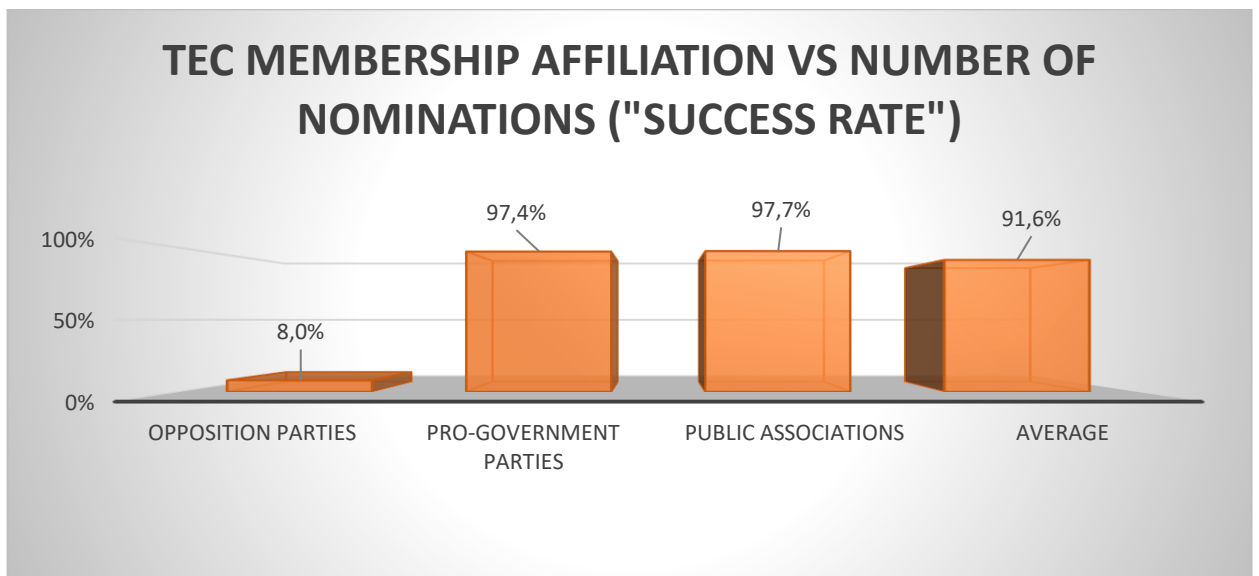
¹⁰ <https://www.facebook.com/belarusiangreens/posts/2595529590712782>

¹¹ <http://rec.gov.by/sites/default/files/pdf/2020/stat3.pdf>

people, or 55%. Of these, 967 represented the five pro-government NGOs and the pro-government trade unions.



Of the 25 candidates from opposition parties, only two representatives became TEC members: activists of the BPF Party and the BSDP Hramada, which is 8% of those nominated. Compared to the previous presidential election, the number of representatives of opposition parties in TECs has decreased by 15 times, and the “success rate” has halved.



The share of representatives of the six pro-government organizations that joined the TECs was 97.7% of the nominations. From other political parties, 150 people were included in the commissions (97.4% of those nominated).

Precinct election commissions

Precinct election commissions are formed by district and city executive committees, and in cities with a district division — by local administrations. The PECs should consist of 5-19 members and must be formed no later than 45 days before Election Day. If necessary, the composition of precinct commissions may be increased or decreased.

PECs consist of representatives of political parties, other public associations, labor collectives, and representatives of citizens who are nominated to commissions by collecting signatures. According to the CEC¹², 70,200 persons were nominated to 5,723 PECs. Of the 15 registered political parties, 11 nominated 4,389 persons (6.3% of those nominated) to PECs (including 3 opposition parties: the United Civil Party nominated 212 representatives, the BPF — 109, and the Belarusian Social Democratic Party (Hramada) — 229). Pro-government parties nominated 3,844 representatives, e.g. the Belarusian Agrarian Party nominated 576 people, 572 of whom — in Minsk; and the Republican Party of Labor and Justice nominated 1,294 people. A total of 4,389 people were nominated by the parties (6.3% of the total number nominated).

The bulk of nominees (33,734, or 48.1%) were representatives of NGOs and trade unions. The majority of nominees were representatives of the six largest pro-government organizations: Belaya Rus, Belarusian Republican Youth Union (BRSM), offices of the Federation of Trade Unions of Belarus, the Belarusian Women's Union, the Belarusian Public Association of Veterans, and the Belarusian Peace Fund, which nominated a total of 29,796 representatives, or 88.3% of the representatives of public associations and 42.4% of all nominees. Other public associations were also mainly pro-government NGOs: the Belarusian Union of Soviet-Afghan War Veterans, the Belarusian Red Cross Society, and the Belarusian Union of Officers.

Among the opposition NGOs, the BPF “Adradzhennie” (85 people) and “Tell the Truth” (112 people) were the only two to nominate their representatives to PECs.

Labor collectives nominated 6,722 representatives, or 9.6% of those nominated. Citizens nominated 35,355 people, or 36.1% of the nominees.

The year's election was marked by multiple nominees representing the Chestnye Lyudi civil initiative, the launch of which was announced on June 9 by the presidential nominee Viktor Babaryka. 2,042 persons were nominated by the initiative to 1,164 precinct commissions as of the completion of the formation of election commissions (the figures later increased).

Meetings of the district and city (cities of regional subordination) executive committees, local administrations were held in accordance with the Electoral Schedule, no later than June 24. The campaign's representatives observed the process of the formation of PECs at 42 meetings of local executive bodies. The majority of the meetings were attended by invited representatives of entities that had nominated their representatives to election commissions and the media, or 61% of the meetings. In 34.1% of the cases, representatives of nominees or the media were not invited, but a livestream of the meeting was organized, and in only 5% of cases, representatives of nominees were not invited to the meetings and no livestream was organized, but a video of the meeting was later published.

In most cases, the campaign's observers noted that all the entities that nominated their representatives to election commissions had the opportunity to submit nomination documents and the bodies that formed them accepted these documents for consideration. The observers also note that in most cases they were informed in advance of the time and place of the meetings, or of the platform on which a livestream had been organized or a video was published.

As for the voting and discussion of the nominated candidates, the campaign's observers note that the approaches by the district executive committees depended on the number of nominees. If the commissions were formed on a non-alternative basis, as a rule, the characteristics of the nominees were not announced or all nominees were described together, and the entire list of nominees was

¹² <http://rec.gov.by/sites/default/files/pdf/2020/stat13.pdf>

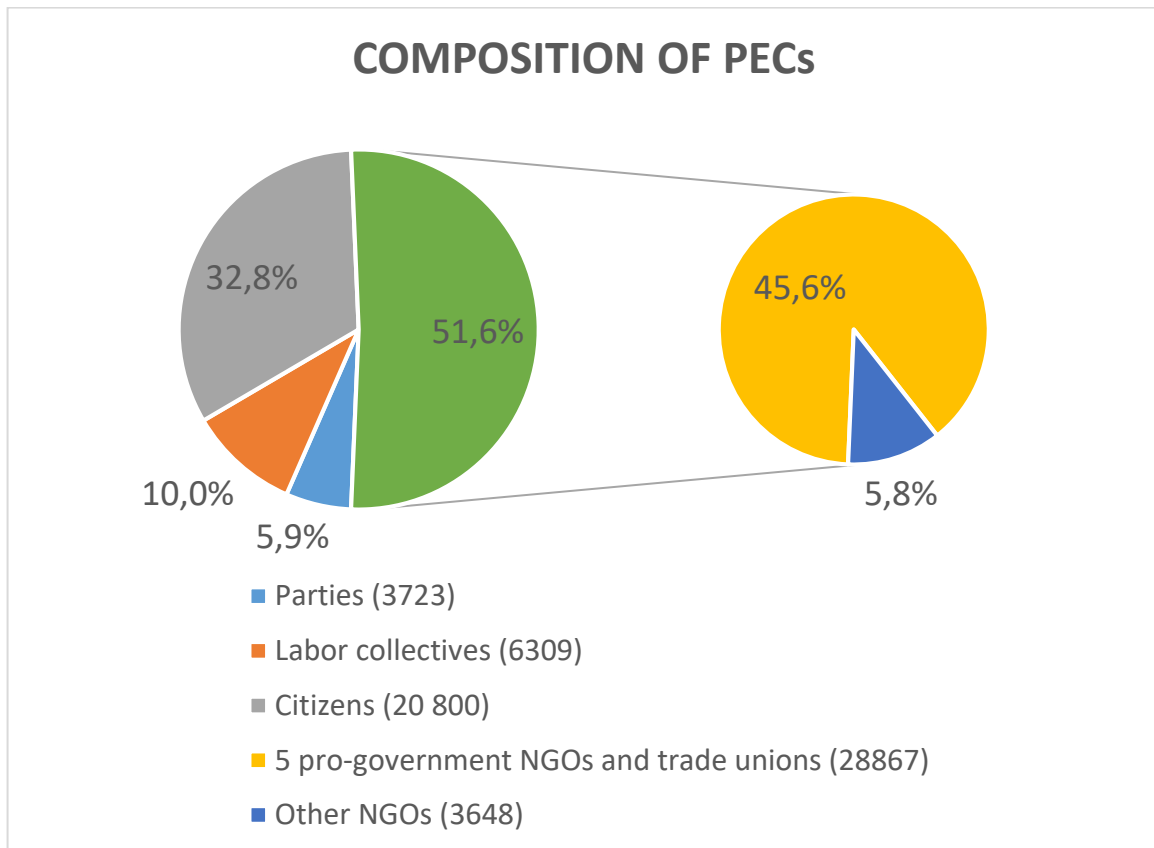
put on a vote. If the number of nominees exceeded the number of seats in PECs, the nominees received personal characteristics and a preferential vote was organized. In 45% of the cases, there was no discussion of the nominees, and in 35% of the cases, it was proposed to vote for a draft list of candidates without discussing other nominees.

Traditionally, preference was given to those who had earlier experience in election commissions, were positively characterized by their employers and were nominated by pro-government public associations.

Most observers note the traditional employment-based principle of PEC formation (when the commission includes employees of the same enterprise or organization) and the fact that the composition of the commissions has not changed compared to the 2019 parliamentary elections.

According to the CEC¹³, 63,347 persons were elected members of 5,723 precinct commissions. 3.9% of the PEC members were civil servants. Women made up 72.5% of the total number of PEC members.

The commission included 20,800 representatives of citizens who were nominated by applications (32.8% of the total number), and 9,554 representatives of labor collectives (14.2%). 3,723 representatives of political parties (5.9% of the total composition) were elected to the PECs.



Out of 545 candidates from opposition parties, as few as six representatives became PEC members (three each from the BPF Party and the BSDP (Hramada), or 1.1% of the nominees). As compared to the previous presidential election, the number of representatives of opposition parties in PECs decreased by five times, and the “success rate”¹⁴ also decreased almost five times.

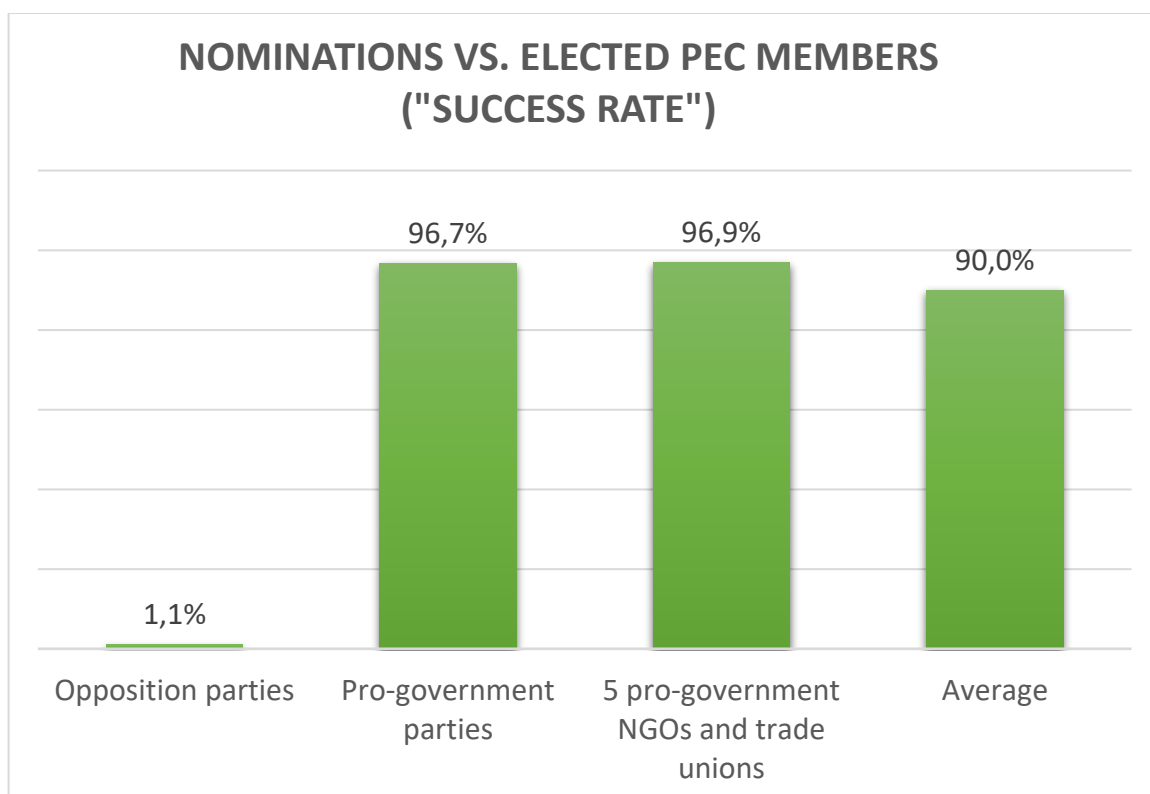
¹³ <http://rec.gov.by/sites/default/files/pdf/2020/stat14.pdf>

¹⁴ The ratio between the number of representatives nominated to the commissions and the number of representatives included in the commissions

3,717 people representing other political parties were included in the commissions (96.7% of those nominated).

The majority of PEC members were representatives of NGOs: 33,734 persons, or 48.1% of the total number of elected PEC members. Of these, 28,867 people represent the five pro-government NGOs and local offices of the pro-government Federation of Trade Unions, the chairman of which was at the same time head of Aliaksandr Lukashenka's nomination group. The share of representatives of the five pro-government NGOs and trade unions included in the PECs was 96.9% of the total number of nominations. Representatives of opposition NGOs were not included in the commissions.

Similarly, almost all representatives of the Chestnye Lyudi initiative were not included in the PECs. Two representatives of this initiative, who were initially included in the PECs abroad, were later arbitrarily expelled from the commissions.



The absence of legal guarantees for the representation of registered parties in the commissions resulted in only six of the 5,723 PECs having representatives of the political opposition, accounting for 0.009% of the total number of PEC members.

Most of the campaign's representatives were able to attend the meetings of the bodies that formed the PECs if representatives of nominees were invited to the meetings. In five cases, observers were not allowed to attend the meetings.

Decisions of the bodies in charge of forming the commissions may be appealed to court within three days from the moment of their adoption by the subjects who nominated their representatives to the commission. The court shall consider the complaint within three days, its decision is final.

A total of 484 appeals were filed with the courts, of which 69 remained without consideration, 415 were rejected. None of the complaints was granted. At the same time, the applicants' access to the documents on the formation of commissions during the preparation of their appeals revealed cases

of falsification of nomination documents by pro-government entities. Thus, it can be concluded that appeals are not an effective tool to protect the rights of the subjects of the electoral process at the stage of the formation of commissions.

Summarizing the results of the formation of commissions, it should be noted that the main problem in the formation of PECs, as before, was the absence of guarantees for the representation in election commissions of all entities participating in the elections. As a result, selective and discriminatory approaches to the nominees were observed during the formation of the commissions, depending on their affiliation with a particular political party, public association, etc.

The growing share of representatives of public associations in the commissions did not result in a greater influence of the public on the electoral process: the vast majority of nominees were representatives of pro-government organizations. The low percentage of party representatives in the commissions indicates that the role of parties in the political life of the country remains extremely low.

It should be noted that the composition of many precinct commissions was altered by the executive committees and administrations. For example, on July 29, the Minsk district executive committee removed several PEC members after they filed written requests asking to be released from office.¹⁵

NOMINATION AND REGISTRATION OF CANDIDATES

In accordance with the Electoral Code, a person entitled to be elected¹⁶ President of the Republic of Belarus shall submit to the Central Election Commission, not later than 85 days before Election Day, a written application for registration of the nomination group, copies of passport pages confirming citizenship and registration on the territory of the Republic of Belarus, a list of members of the nomination group with the indication of the head of the nomination group and coordinators by regions. These documents can be submitted both personally by the contender and their representatives on the basis of a certified power of attorney.

The CEC shall consider the application within five days from the date of its receipt, register the nomination group and issue certificates and signature sheets to the members of the nomination group authorized to collect voters' signatures in support of the person proposed to run for President of the Republic of Belarus. The CEC may deny registration to a nomination group if the nominee does not meet the criteria set out in the Electoral Code. The refusal to register a nomination group may be appealed by the nominee to the Supreme Court.

Registration of nomination groups

According to the Electoral Schedule¹⁷, the documents for the registration of nomination groups had to be submitted to the CEC no later than May 15. The peculiarity of this campaign was that only seven days had passed from the moment of calling the election by the House of Representatives (May 8) until the deadline for submitting applications for the registration of nomination groups to the CEC (May 15).

¹⁵ <https://news.tut.by/society/695656.html>

¹⁶ According to Part 1 of Art. 57 of the Electoral Code, a natural-born citizen of the Republic of Belarus at least 35 years of age, who has the right to vote and has resided in the Republic of Belarus for at least ten years immediately before the election, may be elected President of the Republic of Belarus. And according to Part 7 of Art. 60 of the Electoral Code, citizens with an active criminal record may not be nominated as candidates for President of the Republic of Belarus.

¹⁷ <http://www.rec.gov.by/sites/default/files/pdf/2020/post12.pdf>

A total of 55 people applied to the CEC for the registration of their nomination groups, 30 of whom represented a group of supporters of opposition leader Mikalai Statkevich. Thus, this year's election was marked by a record number of applications for the registration of nomination groups.

Two days before the election was called, popular blogger Siarhei Tsikhanouski, who had announced his intention to run for President, was arrested to serve a term of administrative detention imposed earlier this year. As a result, he was deprived of the opportunity to personally sign the application and apply for the registration of his nomination group.

The applications were considered at three meetings of the CEC. All the meetings were livestreamed, which can be assessed as a positive practice of ensuring publicity in the activities of the CEC.

Fifteen nomination groups were registered to nominate presidential candidates: Aliaksandr Lukashenka, Aleh Haidukevich, Yury Hantsevich, Uladzimir Niapomniashchykh, Natallia Kisel, Viktar Babaryka, Valery Tsepkala, Siarhei Cherachen, Volha Kavalkova, Hanna Kanapatskaya, Andrei Dzmitryeu, Sviatlana Tsikhanouskaya, Aliaksandr Tabolich, Yury Hubarevich, and Mikalai Kazlou, which is 27% of the total number of submitted applications.

Forty nomination groups were denied registration on the following grounds: violation of the principle of voluntary participation of voters in nomination groups; insufficient size of the nomination group (less than 100 people) as a result of exclusion of persons whose information did not meet the requirements of the Electoral Code; failure to meet nomination procedure.

At this stage, only nomination groups of independent candidates were screened (including by telephone survey). Independent nominees reported that in telephone conversations with citizens, local executive committee officials intimidated and misled them. Therefore, decisions to refuse to register the nomination groups of Statkevich's associates for violating the principle of voluntariness were politically motivated.

The refusal to register Mikalai Statkevich's nomination group was due to his conviction in the 2011 "rioting trial", which was condemned as groundless and inconsistent with Belarus's international human rights obligations by both international and Belarusian human rights organizations. They have repeatedly called on the country's authorities to rehabilitate defendants in the case, including the full restoration of Statkevich's right to be elected.

Alleged failure to meet nomination procedures was used as the grounds for denying registration to the nomination group of Siarhei Tsikhanouski. The CEC stressed that the application for registration of the nomination group should be signed only by the person who intends to run. Since Tsikhanouski was serving a sentence of administrative detention at a time when, in accordance with the Electoral Code and the Electoral Schedule, it was possible to apply for registration of a nomination group, the application was filed by his wife on the basis of a notarized power of attorney. However, the CEC found this to be contrary to the procedure for nominating a presidential candidate. According to "Human Rights Defenders for Free Elections", the circumstances that preceded the beginning of the election suggest that Tsikhanouski's voting rights were violated. The authorities deliberately created a situation in which he lost the opportunity to exercise his right to run for President.

The Supreme Court rejected 23 appeals against the CEC's decisions to refuse to register nomination groups, and in one case, it refused to initiate proceedings. None of the appeals was granted.

Collection of support signatures

Local executive and administrative authorities decided on prohibited locations for signature-collecting pickets. These decisions did not generally prevent election participants from exercising their respective rights. A distinctive feature of this year's election was the growth of protest sentiment, which was manifested by the great activity of citizens at pickets held to collect signatures for opposition candidates. This, as well as the epidemiological situation and the need for social distancing, led to the search by election headquarters and nomination groups for new forms of electoral activity with greater use of social media and a more individual approach to the voters.

During the period of collecting signatures, some nomination groups were subjected to pressure from the authorities. This was evidenced by the detentions of the coordinators of the nomination group of Sviatlana Tsikhanouskaya and the excessive policing of the pickets with the participation of Valery Tsapkala. Actions by police officers aimed to intimidate the participants in the pickets were noted, too. A large number of picketers were subjected to administrative liability. Analysts of the campaign noted that in accordance with Part 11 of Art. 61 of the Electoral Code, signatures can be collected in pickets. No permission to hold a picket for these purposes is required provided it is held in places not prohibited by local executive and administrative bodies. The actions of police officers constituted illegal obstacles to the exercise of the right to collect signatures in support of presidential nominations.

At the same time, campaign observers documented the use of administrative resources in collecting signatures in support of the incumbent: coercion, collecting signatures at work, during working hours, by unauthorized persons, members of administrations, etc. The organized collection of signatures took place at the major enterprises of Belaruskali, Mogilevkhimvolokno, Svetlogorskkhimvolokno, Svetlogorsk Pulp and Board Mill, Grodno Azot, and Brest Electric Lamp Factory. Similar violations were observed at Brestenergo, Neman Glassworks, Kalinkovichi Dairy Combine, branches of Belarusneft and many others.

Registration of candidates

The decision to register a candidate for President of the Republic of Belarus is approved upon submission of a set of documents and protocols of regional and Minsk city commissions confirming the presence of at least 100,000 signatures of voters in support of the nominee. Art. 68-1 of the Electoral Code sets grounds for refusing registration. The decision to refuse registration as a presidential candidate may be appealed by the nominee to the Supreme Court within three days from the date of the decision.

On June 19, the nomination groups completed the collection of signatures in support of the presidential nominations, and the district and city commissions began the procedure of verifying the signatures. In the vast majority of cases, observers of "Human Rights Defenders for Free Elections" were not allowed to observe the signature verification procedure on the grounds that it was not provided for by the Electoral Code. The rules for verifying signatures require that at least 20% of the signatures in the signature sheets be verified of the number of signatures required to register a presidential candidate. If the signature sheet contains the signatures of voters who do not live in the territory of a particular constituency, these signatures shall not be verified and shall not be taken into account. If the number of invalid signatures found during the verification is more than 15% of the number of verified signatures, an additional verification of another 15% of voter signatures of the number of signatures required for candidate registration is carried out. If the total number of inaccurate signatures of voters identified during the inspections is more than 15% of

the total number of verified signatures in the signature sheets, the verification of signatures in the signature sheets shall be terminated.

The election commissions confirmed the collection of the required 100,000 support signatures by six nominees, including Viktor Babaryka, who is still in custody in the KGB pre-trial prison.

Aliaksandr Lukashenka reportedly received a disproportionately large amount of support signatures — about 2 million. According to the Central Election Commission, two potential candidates received more signatures than they had previously reported. In particular, Hanna Kanapatskaya reported that she submitted 110,000 signatures, while the CEC said that it received more than 146,000 valid signatures (133%). Siarhei Cherachen's team claimed that it had collected 106,000 signatures, while the CEC said it received more than 143,000 (135%). Both candidates chose not to challenge the official data.

The announced official results, including in the Minsk region, further strengthened public distrust in the actions of the authorities and the CEC arising from the absence of transparency of procedures for verifying support signatures.

The electoral process remains completely non-transparent to the public and election participants. TEC working materials (protocols, signature sheets, packages of documents submitted to the commissions) are effectively inaccessible to electoral actors.

On July 14, the CEC ruled to register five presidential candidates: Aliaksandr Lukashenka, Hanna Kanapatskaya, Andrei Dzmitryeu, Siarhei Cherachen, and Sviatlana Tsikhanouskaya. The CEC denied registration to presidential candidates Viktor Babaryka and Valery Tsapkala.

The CEC justified its refusal to register Viktor Babaryka by alleged violations of the provisions of Part 9 of Art. 48 of the Electoral Code, namely violations of the prohibition of direct or indirect participation in financing election activities and providing other material assistance of foreign states and organizations, foreign citizens and stateless persons, international organizations, the founders (participants, stakeholders) of which are foreign states, foreign organizations, international organizations, foreign citizens and stateless persons, as well as allegedly false information in the nominee's income and property declaration. Preventing Viktor Babaryka from standing as a presidential candidate on these grounds violated his right to be elected.

The CEC's refusal to register Valery Tsapkala was justified by the insufficient number of valid support signatures, as well as the submission of "crucially inaccurate" information in the declaration of income and property relating to the nominee's wife's assets (Priorbank shares).

Two appeals filed by Babaryka and his representative were left without consideration by the Supreme Court. Tsapkala's appeal was rejected. The campaign's analysts criticized the process and results of the appeal hearings.

ELECTION CAMPAIGNING

The procedure for campaigning is regulated by the Electoral Code and CEC resolutions.¹⁸ Local executive committees select locations for holding mass events, premises for holding meetings of candidates with voters, and places for election meetings organized by voters. The same procedure

¹⁸ Campaigning should not contain propaganda of war, calls for forcible change of the constitutional order, insults and slander against officials of the Republic of Belarus, candidates, as well as calls that encourage or have the purpose of inciting to disrupt, or cancel, or postpone the elections appointed according to legislative acts of the Republic of Belarus, etc. (Art. 48 of the Electoral Code).

is used to select places for printed campaign materials. Premises for meetings with voters and election meetings are provided free of charge in the order of receipt of applications. Candidates have the right to rent buildings and premises, which should be provided on equal terms at the expense of their election funds.

An analysis of the decisions restricting campaigning locations showed a sharp reduction in campaign space compared to previous elections, which severely limited not only the rights of potential presidential candidates, but also the rights of voters to receive information about presidential candidates.

The number of places for holding mass events (outdoor meetings, rallies and pickets) organized by presidential candidates in most regions covered by observation decreased several times compared to previous election campaigns. In Minsk, with a population of two million, 6 places in 9 districts were selected for campaigning events. Thus, in Minsk, there were about 213,000 voters per one place designated for campaigning meetings. For example, in Hrodna, there were about 114 thousand voters per location, in Viciebsk — about 107 thousand, in Mahilioŭ - about 130 thousand, in Homiel — about 135 thousand, in Brest — about 101 thousand.

It is noteworthy that in 2015 in Minsk election campaigning events could be held in any suitable places, with the exception of four central squares and the State Flag Square. Similar approaches were then applied in other regions. Thus, in contrast to the 2015 election, when campaigning was allowed wherever it was not prohibited, now it was forbidden to campaign everywhere except one or two places. It should be noted that this year's decisions on campaigning venues were made by local executive committees contrary to the CEC recommendations.¹⁹

Half of the observers working with “Human Rights Defenders for Free Elections” reported that, in addition to the small number, in many cases, the places for campaigning were not suitable for such purposes or were unpopular with the public, with some of them being in poor transport accessibility.

Meanwhile, in accordance with the OSCE Guidelines on Freedom of Peaceful Assembly, “assemblies should be facilitated within “sight and sound” of their target audience”.²⁰ Any restrictions that are not reasonably justified are arbitrary and contrary to international human rights standards.

Similarly, there was a decrease in the number of premises for meetings of candidates and their proxies with voters, as well as for election meetings organized by voters. In particular, in the Mahilioŭ district, the number of such premises decreased from 46 in 2015 to 7 in 2020, in the Frunzienski district of Minsk — from 54 to 8, in the Barysaŭ district — from 200 to 11, etc. Observers reported that the incumbent's proxies and government officials used a variety of premises in enterprises and organizations to meet with voters, while other candidates and their proxies did not have this opportunity.

The situation with places for outdoor campaign advertising has not considerably changed as compared to the 2015 presidential election. However, there were some setbacks, too: for example, in the Frunzienski district of Minsk, the list of places for installing information stands decreased by almost three times.

¹⁹ Manual for TECs approved by the CEC decision No. 7 of April 20, 2020, p. 50:

http://www.rec.gov.by/sites/default/files/pdf/2020/ter_pos.pdf

²⁰ OSCE ODIHR Guidelines on Freedom of Peaceful Assembly:

<https://www.osce.org/files/f/documents/4/0/73405.pdf>, para. 3.5, p. 17

In accordance with Part 3 of Art. 48-1 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). According to the CEC, as of August 12²¹, the largest amount of funds were donated to the election fund of Sviatlana Tsikhanouskaya — 272,362 rubles, and about 80% of the funds 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. 258,712 rubles were transferred to Aliaksandr Lukashenka's election fund (94% were spent). The accounts of other candidates received much less money.

As during the previous presidential election, this year, observers and journalists were unable to verify the sources of donations to the presidential candidates' election funds and the spending of these funds. The legitimacy of the formation and spending of the election fund is assessed only by the financial authorities and the CEC.

According to the CEC²², presidential candidates submitted 341 notifications of 3,768 mass events under a notification-based procedure. Sviatlana Tsikhanouskaya's team announced the most events — 2,006 (more than half of the total number of events announced by all presidential candidates). 1,251 mass events (or about 33% of the total number of candidates) were announced in support of the incumbent. Andrei Dzmitryeu's team announced 371 mass events (about 10% of all), and Siarhei Cherachen's team — 140 (about 4%). It should be noted that the submission of notifications did not guarantee the actual holding of the scheduled events.

According to observers, the campaign rallies of Sviatlana Tsikhanouskaya in the cities of Biaroza, Rečyca, Hlybokaje, Sluck, Orša, Lida, Baranavičy, Babrujsk, Hrodna, Viciebsk, Mahilioŭ, Minsk and others were the largest socio-political events in a decade. Sviatlana Tsikhanouskaya's election campaign raised a wave of enthusiasm in the society and managed to consolidate a certain electoral field.

Presidential candidates and their proxies were less active in meeting with voters indoors. Information from the CEC²³ showed that a total of 290 applications for 506 meetings with voters had been submitted during the entire campaign. Most indoor meetings with voters were announced in support of Lukashenka — 464 meetings (92% of the total number of announced indoor meetings with voters). In most cases, meetings were organized using administrative resources and were accompanied by forcing employees of state-owned enterprises and budget organizations to participate in such meetings. Sviatlana Tsikhanouskaya's team organized 26 meetings, Andrei Dzmitryeu's team — 14 meetings, Hanna Kanapatskaya — two meetings. Siarhei Cherachen did not exercise his right.

At the beginning of the campaign, mass events in support of the presidential candidates were not marked by any significant obstacles from local authorities. However, in the last two weeks of the campaign period, there were multiple reports of obstacles to holding mass events in support of presidential candidate Sviatlana Tsikhanouskaya. Rallies in support of Sviatlana Tsikhanouskaya were canceled in some cities over the past week. The formal grounds for canceling were “emergency repairs”, “technical reasons”, exhibitions of equipment, festive and entertainment events. On August 3, two rallies were cancelled in Stoŭbcy and Sluck; on August 4 — in Salihorsk and Viliejka; and so on. After a large rally of the joint campaign headquarters was announced in

²¹ http://rec.gov.by/sites/default/files/pdf/2020/summ_k12.pdf

²² <http://rec.gov.by/sites/default/files/pdf/2020/stat17.pdf>

²³ <http://rec.gov.by/sites/default/files/pdf/2020/stat18.pdf>

the capital's Družby Narodaŭ Park on August 6, the Saviecki district administration said that daily musical evenings would be held at the venue, including a festive event marking Railway Troops Day on August 6.²⁴

According to the Regulations on the Procedure for the Use of Mass Media by Candidates in the Preparation and Conduct of the Elections of the President of the Republic of Belarus in 2020, a presidential candidate has the right to publish free of charge his/her election program in the government-owned print media outlets *Respublika* and *Zviazda*. In the 2015 elections, presidential candidates could publish their platforms for free in 4 nation-wide and 7 regional newspapers: SB-Belarus' Segodnya, Respublika, Narodnaya Hazieta, Zviazda, Minski Kurier, Zara, Vitebskiye Vesti, Homelskaya Prauda, Hrodzienskaya Prauda, Minskaya Prauda, and Mahiliouiskiia Vedamasti). Thus, the number of print media presenting candidates' election programs decreased by five times compared to the 2015 presidential election (from 11 to two).

The election programs of the presidential candidates were published only on August 4, less than a week before Election Day. For example, during the 2015 election, they came out about three weeks before the election. Such different approaches to the same norms contradict the principle of uniform application of electoral legislation.

On July 21 and 28, the speeches of the presidential candidates were broadcast on Belarus-1 TV channel. From July 20 to 29, their addresses were aired on the First National Channel of the Belarusian Radio.

According to the Belarusian Association of Journalists, the candidates' election appearances were not broadcast in prime time. Moreover, their supporters and opponents did not have the opportunity to discuss the addresses on state television or radio. The candidates' speeches were not announced and their names were not mentioned in the schedules. There was no information about the order and time of the speeches of each of them, and the schedule only read: "Speeches of candidates for President of the Republic of Belarus."²⁵

On July 30, Belarus-1 TV broadcast the recording of a debate, which involved candidates Andrei Dzmityeu and Siarhei Cherachen, as well as Aliaksandr Lukashenka's proxy Aleh Haidukevich. Hanna Kanapatskaya and Sviatlana Tsikhanouskaya refused to take part in the televised debates. Kanapatskaya explained that "as an experienced politician", she has "neither the right nor the desire to compete with by far weaker opponents".²⁶ Tsikhanouskaya explained her decision by calling the debate a "farce".²⁷ At the same time, she challenged the incumbent to debate, who ignored the proposal.

In covering the events of the campaigning period, the state media launched a wide-scale campaign to discredit opponents of the government. Statements violating the presumption of innocence and various allegations were repeatedly aired on Belarusian television. Such "expert opinions" about the opposition were always voiced in absentia, without the opportunity for a reply, explanations or alternative points of view.

The authorities closely monitored media content and used censorship. According to BAJ's monitoring of the coverage of the 2020 presidential election in the Belarusian media, "any alternative viewpoints were conspicuous by their absence from the state-run media. Their

²⁴ <https://sov.minsk.gov.by/glavnye-novosti/6609-20200803-muzykalnye-vechera-v-park-druzby-narodov>

²⁵ Coverage of the 2020 Presidential Elections in Belarusian Media. Report 2: <https://baj.by/en/analytics/coverage-2020-presidential-elections-belarusian-media-report-2>

²⁶ https://web.facebook.com/1095034703878964/posts/3082478365134578/?_rdc=1&_rdr

²⁷ <https://youtu.be/7aXPpTbatIM>

journalists and guest experts aired and propagated just one stance, [the one] supported by the government. Moreover, they enjoyed an exclusive right to interpret the positions and opinions of their opponents, who were never given an opportunity to air their views in person.”²⁸ Popular Telegram channels remained one of the leading sources of information about the events of the campaigning period. Private media focused on the direct participants of the campaign. Important topics included election pickets, public initiatives related to observation and vote counting, arrests of peaceful protesters and independent journalists.

This year, the President’s annual address to the Belarusian people and the National Assembly was postponed from April to August 4, five days before Election Day. Extensive coverage of the address in the media constitutes abuse of administrative resources in favor of the head of state.

The election campaign took place in unequal conditions, as administrative and propaganda resources of the power vertical, pro-government NGOs and state-owned media were used to support the candidacy of Aliaksandr Lukashenka. For example, in the Hrodna region, the eighteen local public receptions of the Belaya Rus NGO campaigned for the incumbent, after on July 15, they extended their working hours. The reception was conducted not only by Lukashenka’s authorized proxies, but also by officials of the Hrodna regional executive committee during working hours. This happened, among other things, in violation of the rules of the Electoral Code. *Hrodzienskaya Prauda* and other government-owned newspapers regularly published addresses by Lukashenka’s proxies and celebrities calling to vote for the incumbent. Meanwhile, local media did not cover the activities of other candidates.

Meetings of the incumbent’s proxies and government officials of various levels with labor collectives were intensively organized in the country. Such meetings were mostly not announced, and information about them was not available to election commissions or the media. Journalists were not allowed to attend meetings of Aliaksandr Lukashenka’s proxies with voters in the labor collectives. Some were not allowed to take photographs.

On July 29, government-owned media reported that the payment of pensions would be organized in early August. The Ministry of Labor and Social Protection reported that this was done to “create convenient conditions for receiving pensions: minimizing travel and reducing social contacts”.²⁹ Meanwhile, the law stipulates that pensions should be paid in the period from day 5 to 25 of every month. It was noted that a person could choose whether to exercise the right to early payment. Earlier it was reported that in accordance with the President’s Decree No. 232 “On Increasing Pensions” of July 1, all retirement pensions were increased by 6%.³⁰ Such incentives, taken at the initiative of the incumbent and one of the presidential candidates, should be seen as the use of administrative resources and voter bribery.

²⁸ Coverage of the 2020 Presidential Elections in Belarusian Media. Report 2: <https://baj.by/en/analytics/coverage-2020-presidential-elections-belarusian-media-report-2>

²⁹ http://mintrud.gov.by/ru/news_ru/view/o-dosrochnoj-vyplate-pensij-v-avgustenbsp_3621

³⁰ <http://www.mintrud.gov.by/system/extensions/spaw/uploads/files/Ukaz-232.pdf>

VOTING

Early voting

According to the CEC, the voter turnout was 41.7% in the five days of early voting, an all-time record for Belarusian presidential elections.³¹ The previous record for early voting was set in the 2015 presidential election: 36.05%.

The CEC's decision to impose restrictions on the number of early voting observers made this electoral phase completely closed to independent citizen observation.

During the five days of early voting, 798 "Human Rights Defenders for Free Elections" observers were accredited with the PECs, of which only 93 (11.6%) had the opportunity to observe at the polling stations, but only during limited periods of time. Only one observer was able to fully observe all five days of early voting.

From the first days of early voting, observers from various election observation initiatives faced opposition from PEC members and law enforcement: they were deprived of accreditation, removed from polling stations, and in some cases brought to administrative responsibility resulting in short terms of detention. In particular, representatives of the Chestnye Lyudi citizen observation initiative reported that during the period of early voting about 50 of their observers were detained, ten of whom were convicted of administrative offenses and sentenced to short terms in prison. 110 more observers were deprived of accreditation.³²

A total of 86 observers were detained during the early voting period, according to human rights activists, which is also an unprecedented situation.

Representatives of "Human Rights Defenders for Free Elections" were no exception, as six observers of the observation campaign were detained and 18 were deprived of accreditation. On August 5, the election authorities cancelled the accreditation of Anastasiya Hirkouskaya, an observer of "Human Rights Defenders for Free Elections", who was deployed at polling station No. 9 in Asipovičy, Mahilioŭ region, after she commented on the pro-government observers' failure to wear face masks while working at the polling station. On the same day, Liudmila Laptsevich, "Human Rights Defenders for Free Elections" observer at polling station No. 37 in Mahilioŭ, was deprived of her accreditation following alleged "complaints from voters". According to the observer, the actual reason was her parallel turnout count results, which documented 90 voters in one day, while the commission's protocol said there were 513.³³

Two observers of "Human Rights Defenders for Free Elections" and members of the Human Rights Center "Viasna" in Mahilioŭ, Aliaksandr Burakou and Ales Burakou (junior), were detained by police on trumped-up and illegal grounds and sentenced to 10 days of administrative detention each. In this regard, "Human Rights Defenders for Free Elections" issued a statement.³⁴

Although most of the campaign's observers were not allowed to observe at the polling stations, many of them continued to observe in the immediate vicinity of them: they counted those entering the polling stations and documented the cases of organized voter participation in early voting.

³¹ http://www.rec.gov.by/sites/default/files/pdf/2020/d_gol.pdf

³² <https://news.tut.by/economics/695929.html>

³³ <https://elections2020.spring96.org/en/news/98822>

³⁴ <https://elections2020.spring96.org/en/news/98773>

An analysis of the observers' responses for the entire period of early voting found that 38% of the observers reported daily facts of forced voting; 59% — obstacles on the part of PECs in counting the voters who showed up at the polling stations; 69% reported that their voter turnout calculations did not match PEC estimates; up to 44% of the observers said that the polling stations were not suitable for voting by people with reduced mobility. 40% of the observers reported daily violations of the Ministry of Health's recommendations as to the setup of polling station: insufficient floor space, closed doors, lack of personal protective equipment for PEC members and observers, etc.

Thus, the real purpose of limiting the number of observers at polling stations were not sanitary and epidemiological considerations, but the obstruction of the work of independent observers.

Observers reported that early voting was organized for employees of government institutions, law enforcement agencies, the military, and emergency services.

Voter turnout during the early voting period was highly inflated, as reported by those observers who were allowed to count.

An observer at polling station No. 36 in the Saviecki district of Homieł observed from the outside: according to her, a total of 150 people a day came to the school building that housed two polling stations. According to the PECs, however, the turnout was 259 at one polling station and 348 at the other. The actual turnout at polling station No. 26 in the Svietlahorsk district did not match the announced results, according to an observer who monitored early voting. The observer reported 66 people, while the protocol said there were 306 voters. After the vote, the ballot box was taken to the principal's office and the door was closed with the entire commission inside.

PEC members and the administration of the polling station buildings removed numerous observers from the premises with the help of police. At polling station No. 48 in the Centralny district of Minsk, the observer was not allowed to enter the polling station, so he had to count the turnout from outside the room. In the afternoon, the principal asked the observer to leave the building on the grounds that the school was reportedly a "restricted access facility". When the observer came at 7 pm to take a photo of the protocol, police officers were called and the monitor was taken away.

Observers were restricted in exercising their rights under Article 13 of the Electoral Code (in addition to the prohibition on full-time observation). Some were not allowed to witness the sealing of the ballot box. Others were denied access to the protocols of early voting, or even prevented from entering the buildings that housed the polling stations. Several observers were threatened with the police, etc.

Many observers reported absence of signatures on the early voting protocols and the improper condition of the ballot boxes (for example, gaps between the ballot box and the lid). Copies of "Observer's Handbook" received by some pro-government observers contained instructions mentioning countermeasures against "observers from the opposing forces".

Election Day

Voting on Election Day begins at 8 am and ends at 8 pm and is conducted in two formats: voting at the polling station and home voting.

One of the significant problems on the main polling day were the long queues of voters near the polling stations.

It should be noted that voters started lining up in the morning and continued until the closure of the polling stations. At the same time, election commissions did not cope with the large number

of voters. In a number of cases, the overall voter turnout, including early voters, exceeded 100%. In particular, at polling station No. 61 in the Pieršamajski district of Minsk, by about 4 pm, the 1,800 ballots received by the precinct commission from the TEC had been used. Meanwhile, hundreds of voters were waiting near the polling station. Immediately after the discovery of this fact, all observers were removed from the polling station and the room was urgently closed for “disinfection”. About half an hour later, members of the commission announced that they had received additional ballots from the TEC and resumed voting.

At polling station No. 1 in the Kastryčnicki district of Minsk, according to an observer, as early as at 2.30 pm, the turnout was close to 100%. At the same time, there were still many willing to vote.

At polling stations Nos. 56 and 57 in the Zavodski district of Minsk, according to observers, at 5 pm, the turnout exceeded 100%.

In a number of cases, hundreds of voters were unable to vote and were effectively disenfranchised, since they did not manage to vote due to queues that formed in the morning and remained until the polls closed at 8 pm. This indicates the unpreparedness of polling stations and the failure of election commissions and local authorities to take all necessary measures.

This situation is also another evidence of multiple increase in turnout during the early voting period and manipulation of the voting results.

On the main polling day, “Human Rights Defenders for Free Elections” observers were deprived of the opportunity to fully observe the election at polling stations, and many observers were forced to observe outside the polling stations and in their immediate vicinity. Numerous observers were detained by the police and removed from the polling stations and even the surrounding area.

Vote count and tabulation

The counting of votes at the polling station began after the end of voting at 8 pm.

The counting procedures remain one of the central subjects of criticism by both international and domestic observers. One of the key related problems is the absence of an established step-by-step description of the method and procedure of counting in Art. 55 of the Electoral Code.

This article establishes only the rule of separate counting of votes by type of voting (early voting, home voting and voting on the main polling day), counting of ballots for each candidate separately and counting of ballots directly by members of the commission, without a break until the final result. Art. 55, however, does not specify the exact way of counting the ballots and the roles of PEC members. This is the main systemic problem of the current legislation, which results in the absence of transparency in vote counting, manipulations with the figures and rigging voting results.

The OSCE ODIHR has repeatedly sent recommendations to the Belarusian authorities asking to improve the legal regulation of this procedure and to bring it into line with international standards for free and democratic elections.

Prior to early voting, the Belarusian Helsinki Committee, on behalf of “Human Rights Defenders for Free Elections”, urged the CEC to regulate the counting of votes by its resolution, so that the counting of ballots could be carried out by only one member of the commission. An official reply from the CEC, signed by Chairperson Lidziya Yarmoshyna, argued that these proposals required changes in the Electoral Code.

Traditionally, election commissions used the so-called simultaneous and collective counting of votes, when the ballots are counted by all members of the commission at the same time, and the ballots are not displayed. This method of counting votes is not established by Art. 55 of the Electoral Code, is non-transparent to observers and other PEC members and allows for falsification of the vote count.

Due to the fact that “Human Rights Defenders for Free Elections” observers, as well as observers of other citizen observation initiatives, were not allowed to observe the vote count, there is every reason to believe that the voting results were not transparent. This is a violation of publicity as one of the fundamental principles of elections.

COMPLAINTS AND APPEALS

The procedure and periods for the consideration of complaints about electoral violations are regulated by Article 49-1 of the Electoral Code, and appeals against decisions of election commissions submitted to courts by paragraph 2 of Chapter 29 of the Code of Civil Procedure.

It should be noted that established compliance and judicial practice suggests that courts consider appeals against only select decisions of election commissions. In essence, courts only consider appeals against decisions of local authorities on the formation of election commissions, decisions of election commissions on refusal to register a nomination group or a candidate for an elected position, a decision of a precinct commission on rejection of a voter’s application for irregularities in the voter list, a decision of an election commission on issuing a warning to a nominee, a nomination group or a candidate, a decision of the election commission recognizing the withdrawal of a candidate without valid reasons, a decision of the Central Election Commission declaring an election invalid. The candidate is deprived of the right to challenge the election results in general, which is legal nonsense. This practice contradicts the Constitution of the Republic of Belarus and its international obligations, as it deprives losing candidates of the right to a fair trial.

Another problem is the practice of calculating deadlines for filing complaints in court. Although Art. 150 of the Code of Civil Procedure stipulates that the procedural periods should begin on the day following the calendar date or the occurrence of the event determining their beginning, the courts nevertheless follow a different approach, including the date of the adoption of the contested decision in the period for filing an appeal. This approach, which was confirmed during this year’s presidential election, in our opinion, is illegal and inconsistent with civil procedural law, which should guide the courts when considering appeals against decisions of election commissions, as the Electoral Code does not establish any other calculation procedure for deadlines. It significantly restricts the ability of election campaign participants to prepare for a judicial appeal, especially in a situation where a copy of the appealed decision is usually issued the day after its adoption.

In general, it should be noted that the filing of complaints and appeals remains an ineffective means of protecting the violated voting rights of presidential candidates, other election participants and observers.

When considering appeals against the decision of local authorities to form election commissions, the courts examined only the observance of formal procedures, without assessing respect for the principle of equality and non-discrimination. This underscores once again that Belarusian citizens do not have effective means of protection against discrimination, including during elections. According to Art. 2 of the International Covenant on Civil and Political Rights, the Republic of Belarus has undertaken to provide any person whose rights and freedoms have been violated with an effective remedy.

All appeals submitted to the courts against decisions on the formation of election commissions (484) were either turned down (415) or rejected without consideration (69).³⁵

The absence of legislative guarantees for the representation in the election commissions of all political entities participating in the elections, as before, makes it practically pointless to appeal against related decisions.

The disadvantage of this election campaign is also the lack of public access to the texts of all court rulings. In particular, court rulings taken on appeals against decisions of local executive and administrative bodies on the formation of PECs were not published. At the same time, the publication of court rulings by regional courts and the Supreme Court, as well as some rulings of the Central Election Commission and decisions of territorial election commissions, should be recognized as a positive practice.

According to the Central Election Commission³⁶, during the election campaign, 41,955 petitions were submitted to local authorities and election commissions, including 28,448 petitions to the CEC, which is an all-time record in the history of Belarusian elections. This once again emphasizes the unprecedented activity of voters during the 2020 presidential election, including the use of legal means to protect their violated rights. However, the appeals and complaints against electoral violations filed during various phases of the election did not have a significant impact on the practice of election procedures.

RECOMMENDATIONS

Legislative framework

It is necessary to review the electoral legislation, taking into account earlier recommendations of the OSCE/ODIHR and the Venice Commission, including regarding the composition and procedure for the formation of election commissions, the rights of candidates, the rights of observers and the proper organization of voting, counting of votes and tabulation. Legislation should be interpreted and applied in such a way as to ensure a level playing field for candidates, genuine competition, free expression of the will of voters and fairness in the electoral process.

The legislation governing freedom of association, assembly and expression needs to be reformed to bring it in line with international human rights standards. Any restrictions on fundamental rights and freedoms must be exceptional and enforced only when necessary in a democratic society and proportionate to the legitimate goals provided by law.

Electoral register

It is necessary to lift the unjustified prohibition on the participation in the elections of certain categories of individuals, including persons held in prisons under a court sentence, who are currently ineligible to run or vote. We recommend retaining restrictions on participation in elections only for persons convicted of grave crimes against the state, peace and humanity. Persons held in pre-trial detention are also ineligible to vote. This provision directly violates the presumption of innocence and should be repealed.

Corresponding changes should be made to the Constitution and the Electoral Code.

³⁵ <http://rec.gov.by/sites/default/files/pdf/2020/stat8.pdf>

³⁶ <http://rec.gov.by/sites/default/files/pdf/2020/stat10.pdf>

We recommend creating a State Register of Voters to ensure the government-run registration of individuals who have the right to participate in elections, with the public control by the subjects of the electoral process. The Electoral Code should be amended, and a legislative act is required.

Formation of election commissions

It is necessary to amend the procedure for appointing CEC members, aimed at ensuring guarantees of its independence and impartiality, which will help to increase public confidence in the electoral process.

It is necessary to legislate the right of each nomination group registered by the Central Election Commission to delegate one of its representatives with a right to vote to election commissions of every tier (except for the Central Election Commission),

The priority of political parties to send their representatives to election commissions should be legislated, while providing that if a political party does not exercise its right to send representatives to election commissions, vacancies in the commissions shall be filled from among the representatives nominated by individuals and public associations. The participation of labor collectives in the formation of election commissions should be excluded. This procedure for the formation of election commissions will increase the role of political parties as the main participants in the electoral process, create a higher level of confidence in election commissions, and also make the work of such commissions transparent for the entire Belarusian society. In addition, this provision will create confidence in the voting results approved by representative commissions. Securing the right of individuals and public associations to nominate their representatives to the commissions in case political parties failed to nominate a sufficient number of their representatives will ensure the necessary staffing of the election commissions.

Candidate registration and de-registration

It is necessary to review current restrictions on the right to be nominated for presidency and for parliament for individuals with a criminal record. Such restrictions must be commensurate with the crime committed and only apply in connection with serious and well-defined crimes.

The Electoral Code should contain clear, comprehensive and transparent criteria for candidate registration.

It is important that electoral legislation did not provide overly broad grounds for candidate de-registration and excluded the possibility of short-notice de-registration of candidates, especially for minor technical reasons. Above all, any arbitrary or politically motivated deregistration of candidates should be ruled out.

Collection and verification of support signatures for the nomination of candidates

It is necessary to reduce the minimum number of support signatures required for the nomination of a presidential candidate.

The rules for collecting signatures should exclude the possibility of using administrative resources, employment dependency or other illegal advantages, in particular, the collection of signatures by managers among subordinates. Each case of abuse should be treated as grounds for refusing candidate registration.

We recommend changing the system for checking signature sheets, taking as a basis the norm that the collection of the established number of support signatures should be confirmed either by a random check, or by a complete verification of every collected signature, in case the results of a

random check find an excess of invalid signatures. This will allow to avoid situations when, with a high absolute number of signatures submitted for the nomination of a candidate, the commissions refuse to register the candidate, referring to a high percentage of invalid signatures.

Campaigning

Uniform campaigning rules for all candidates should be established. Representatives of the current government should not abuse their official position and use state resources, including material and human resources, to promote their candidates.

Unreasonable prohibitions and restrictions on campaigning should be eliminated by extending the uniform campaigning rules for the period of collecting signatures for the nomination of candidates.

All artificial restrictions on the use of airtime by candidates, as provided by the law on television, including the ability to use this time in parts, for displaying political advertisements, on other means of campaigning that do not contradict the law, should be excluded.

During election campaigning, the media should not demonstrate bias towards the incumbents who run as candidates.

It is also necessary to stop any intimidation, threats and pressure on the media and journalists by government officials. The state must recognize the high role of independent journalism in a democratic society and take all measures to protect the media and journalists from attacks in connection with their professional activities.

Early voting

It should be legally stipulated that individuals who cannot be present at a polling station on Election Day could vote early upon presentation of documents confirming the fact that they cannot vote on the main voting day. Such documents may be business trip permits, travel tickets for intercity (international) transport, medical referrals to treatment or rehabilitation outside the constituency, other documents provided for by law or by resolutions of the Central Election Commission. This provision will reinstate the true meaning of early voting as an exceptional form of voting.

It is also necessary to take additional measures to ensure the safety of ballot boxes and ballots during early voting.

Vote count

We suggest legislating the following principles of the vote count procedure: the vote count should be held in a transparent manner, whereby all observers would be able to verify the outcome of the process (i.e. see the content of each ballot); the vote count should be conducted by one member of the election commission, who should voice the voter's choice and display each ballot to the observers present; the vote count should be conducted separately for each ballot box, while the results of the separate vote count should be entered into final protocols; a copy of the final protocol, certified and sealed by the chairperson and secretary of the precinct election commission, should be issued to any observer at their request.

The introduction of genuine transparent vote counting will restore confidence in the election results, and, along with the implementation of other recommendations, will create conditions for the recognition of the election results both by the international community and by a significant part of society in the country. This will restore confidence in the head of state and the representative authorities of Belarus.

It is necessary to legislate the right of observers and proxies of candidates to directly attend and observe the procedure for transferring ballots and protocols with voting results from polling stations to the territorial election commission.

In order to strengthen confidence in the election results, we propose to introduce into the electoral legislation a norm obliging local executive authorities to post on their websites (in special sections) and in print media, of which they are founders, information on the voting results in the corresponding administrative-territorial unit (constituency, district, district in the city, region) with a breakdown into polling stations. Information on voting results broken down by polling stations across the country should also be posted on the website of the Central Election Commission.

Electoral disputes

It is necessary to legislate the right to judicial appeal against any decisions of election commissions of every tier that affect the rights of a campaign participant, especially the right to appeal against the election results to a court. The introduction of this provision will create a civilized system for considering electoral disputes, increase confidence in final court decisions and strengthen general respect for the legal institutions of the state. In order to further strengthen the principle of publicity of the electoral process, we propose to continue and improve the practice of posting on the websites of courts decisions made by all courts.

At the same time, judicial reform should be undertaken to strengthen the independence of judges to ensure that judicial decisions are free of any influence.

It is also necessary to clearly regulate the calculation of procedural time limits for filing appeals during the election campaign, including the beginning and end of the period, and the conditions for their restoration.

Observation conditions

It is necessary to provide for the possibility to observe all aspects of the electoral process and to refrain from creating artificial obstacles to the work of observers.

To ensure true transparency and openness of elections, it is necessary to amend Article 13 of the Electoral Code and to provide that an observer accredited by the election commission has the right to observe all stages and aspects of the electoral process in the respective constituency, territory or polling station, all actions of the respective election commission, as well as to access all decisions made by the respective commission, while not allowing interference in the activities of the commission, violations of voting procedure and other justified generally accepted prohibitions. It is necessary to provide for the observer's right to receive a certified copy of the protocol of vote counting results at the polling station, to take photographs and record audios and videos of the voting process at the polling station.