



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Preliminary analytical report of the expert mission to assess the 2022 nationwide referendum on amendments to the Constitution of the Republic of Belarus

February 28, 2022

The expert mission of observation of the 2022 referendum is carried out by the Belarusian Helsinki Committee and the Human Rights Center "Viasna" within the campaign ["Human Rights Defenders for Free Elections"](#).

SUMMARY

Preparation for the referendum took place against the backdrop of a profound socio-political crisis that began immediately after the 2020 presidential election and the pervasive atmosphere of repression targeting those disloyal to the authorities, as well as a tense international situation caused by the possible armed conflict between the Russian Federation and Ukraine and the current Russian-Belarusian military exercises.

On February 24, the Russian Federation launched a military attack on Ukraine, including from the territory of Belarus. The transport and military infrastructure of Belarus is used for military operations.

The authorities have not attempted to eliminate the factors in the legal regulation of electoral procedures that led to the onset of the post-election crisis in August 2020.

The draft amendments to the Constitution, which were first announced by the authorities more than two years ago, became available to the public less than a month before the referendum was called. During this period, the authorities organized a discussion of the draft, mainly at government-owned businesses and organizations, which in reality constituted campaigning, as well as at the so-called "dialogue platforms" arranged in cooperation with government agencies and pro-government organizations.

Discussing changes and additions to the draft Constitution and considering the submitted proposals did not take into account critical opinions and was another example of the formal practice of "nationwide discussion", designed to replace a transparent and inclusive debate on proposals from various groups of society.

As a result, the proposed amendments to the Constitution have aroused fair criticism from the expert community.

The preparation and conduct of the referendum did not meet several basic international standards for holding democratic and fair elections and was accompanied by numerous violations of these principles and provisions of national legislation. This was due to the atmosphere of fear on the eve and during the referendum, caused by a crackdown on citizens, civil society organizations, and independent media; lack of unbiased election commissions; unequal access to state media for supporters and opponents of constitutional changes; use of administrative resources to support the

draft submitted to the referendum on changes to the Constitution; arbitrary deprivation of the right to vote of citizens who are outside the Republic of Belarus; numerous facts of coercion of voters to participate in early voting; inaccessibility of electoral procedures for observers.

Ongoing repression of civil society, preparation, and conduct of the referendum in an atmosphere of total fear, and introduced by CEC restrictions on the number of observers at polling stations led to a lack of independent monitoring of all types of voting (early voting, voting on the main election day and mobile voting) as well as the vote count; these important phases of the election campaign were completely non-transparent. This assessment cannot be changed by the presence of pro-government observers at polling stations and commissions. This assessment cannot be changed by the presence of pro-government observers at polling stations and commissions.

Significant violations of the national legislation and fundamental principles of fair and democratic elections during the referendum, including depriving observers of the opportunity to monitor the counting of voting results, do not provide grounds to trust the election results announced by CEC and consider them reflecting the real will of the citizens of the Republic of Belarus.

Referendum commissions

When forming the election commissions, executive committees applied a discriminatory approach to representatives of opposition parties: out of 20 candidates nominated by opposition parties to the TECs none were included. The same applies to 42 oppositional candidates to PECs. This is the first time in the history of sovereign Belarus that the opposition is not represented in election commissions at all.

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). In violation of the electoral law, the list of members of precinct commissions was not published.

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.

Campaigning

The agitation in support of the draft of amendments to the Constitution put to the referendum was not limited to the terms of the electoral campaign and started long before the appointment of the referendum. At the same time, the authorities used all the resources of the state mass media, pro-governmental telegram channels, ideologists, pro-governmental experts, and officials to support the new draft of amendments to the Constitution.

While preparing and holding the referendum, the authorities widely used administrative resources to campaign in support of the draft amendments to the Constitution. At the same time, equal campaign conditions for opponents and supporters of the draft of amendments to the Constitution submitted to the referendum were not ensured. Moreover, the authorities persecuted opponents of the referendum and the draft amendments to the Constitution by means of repressions that have become traditional in the last 18 months: detentions, administrative arrests, publication of video confessions of detained opponents of the referendum in pro-governmental Telegram channels, etc.

Legislative restrictions on public campaigning during the referendum, as well as general restrictions of mass events by opposition parties and ordinary citizens, make it impossible to extensively use rallies to campaign during the referendum.

Early voting

According to the CEC, 42.93% of voters took part in early voting, which is a new record in the history of elections in Belarus. In fact, early voting has become the norm, which does not meet the requirements of the Electoral Code. EC provides for such voting type for those voters who cannot be at their place of residence on referendum day.

During early voting, observers of “Human Rights Defenders for Free Elections” documented numerous facts of organized and forced voting of certain categories of voters (students, employees of government-owned enterprises).

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

In accordance with the Electoral Code, voter lists at polling stations remain closed to observers. A unified voter register has not been created. This creates conditions for turnout manipulation.

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.

Since on the eve of the referendum the Belarusian authorities created conditions that made it impossible to monitor the elections freely and safely, observers of “Human Rights Defenders for Free Elections”, as well as observers of other civil initiatives and opposition political parties, were not allowed to monitor the counting of votes. Thus, 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.

Copies of the results protocols were not posted at a significant number of polling stations. Together with the lack of transparency during the vote counting, this indicates that the authorities are trying to conceal the falsified election results and the real figures of vote counting. This gives every reason to doubt the authenticity of the voting results determined by the precinct commissions.

Electoral complaints

During the preparation for the referendum, there were few appeals and complaints about violations of the EC during various stages of the election, which can be explained by the low level of confidence in the electoral bodies and the courts. Besides, in practice, they fail to resolve issues in the course of electoral procedures and, thus, are not an effective means of protecting the violated rights of voters and participants of the electoral process.

Complaints to courts against the decisions on the formation of election commissions were not filed at all. 426 appeals and complaints were submitted to election commissions, including 357 to the CEC. No information about the content of the complaints and the results of their consideration was published.

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 referendum results is not subject to judicial appeal.

INTRODUCTION

The civil election monitoring campaign “Human Rights Defenders for Free Elections” is a nonpartisan joint initiative of the Human Rights Center Viasna and the Belarusian Helsinki Committee. The goal of “Human Rights Defenders for Free Elections” is to monitor 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 monitoring results; and to prepare recommendations and proposals for improvement of the electoral legislation and practice of its implementation.

OBSERVATION CONDITIONS

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 of EC. The procedure for their nomination and accreditation is regulated by a resolution of the CEC.

The campaign “Human Rights Defenders for Free Elections” due to the inability to organize, as before, a full-scale election monitoring and send observers to the election commissions and polling stations during the announced referendum on the adoption of changes and additions to the current Constitution announced the launch of an expert mission to monitor the referendum process to assess the referendum’s compliance with international standards for a truly free and democratic election campaign.

Pro-governmental monitoring was organized by sending 44,921 observers to election commissions, 43,737 of them to precinct commissions. More than 70% of observers were nominated by the five largest pro-government public associations and trade unions of the Federation of Trade Unions of Belarus. It is worth noting that these same public associations and parties traditionally make up the majority of election commissions of all tiers. Such a high number is determined by the necessity to create an obstacle for independent observers, as it was in 2020: according to the Regulation on the procedure for sending and activities of observers during preparation and holding of the national referendum in 2022, not more than five observers may be present in the meetings of precinct commissions and the voting rooms at the same time. During the period of early voting, no more than three observers are allowed in one polling station. If the number of members of the commission did not exceed seven, observers of not more than half of the members of the PEC are entitled 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.

The BPF party and other democratic parties did not conduct a joint monitoring campaign during the constitutional referendum. This was announced in a statement signed by the United Civil Party, the Belarusian Green Party, the Belarusian Social Democratic Party (Hramada), and the BPF Party.

In previous years, there were fewer observers for a greater number of election commissions. There were 38,878 accredited observers for the 2019 House of Representatives elections and 39,619 for the 2010 Presidential elections. These numbers also include independent observers. The exception was in 2020 when 53,868 observers were registered at the commissions and the authorities successfully tested for the first time a mechanism of limiting the admission of independent observers to the polling stations by sending a large number of observers from pro-government parties and organizations.

The referendum was held without monitoring by the international mission of OSCE ODIHR, which has not been invited.

The European Union also did not send observers to Belarus for the referendum. On February 16, Peter Stano, the representative of the European Foreign Affairs Service, informed that there were no such plans: “We have noted that the Belarusian authorities have not invited the OSCE Office for Democratic Institutions and Human Rights to deploy an observation mission in Belarus. The EU, for its part, does not plan to send any official mission for monitoring of the voting in Belarus,” he said.

The international observation was provided by 145 observers from the Commonwealth of Independent States (CIS), of which 37 were from the Interparliamentary Assembly of CIS Member States (IPA CIS); this was the largest mission. Also accredited were 14 observers from the Shanghai Cooperation Organization (SCO), 2 from the Parliamentary Assembly of the Collective Security Treaty Organization (CSTO PA), 12 from electoral bodies of foreign countries (Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan), and 22 "independent observers" (their figures are not published). A total of 195 international observers have been accredited on February 24¹.

REFERENDUM COMMISSIONS

In accordance with Art. 31 of the Electoral Code, the preparation and holding of the referendum are provided by territorial commissions, which include regional, Minsk city, district, city (in cities of regional subordination, except for cities with district subdivision), district (in cities), and precinct election commissions.

Referendum commissions 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. Government officials 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.

Commissions are formed according to the rules established by the Electoral Code. Certain issues of formation of the referendum commissions are regulated by Decision No. 2 of the Central Election Commission "On clarification of the procedure for applying the provisions of the Electoral Code of the Republic of Belarus" of January 21, 2022.

According to the Electoral Code, the decisions to form the commissions shall be published in the press within seven days from the moment of their issuance. The CEC has not yet adopted a decision regulating the procedure for informing the public by election commissions and local executive and administrative bodies about the preparation and conduct of the referendum. Thus, no rules have been defined on using the official websites of the executive committees and of local district administrations in cities to inform about the referendum.

Territorial commissions

In accordance with the Referendum Schedule, the nomination of representatives to the TECs was to be completed no later than January 22, 2022, since the territorial commissions shall be formed no later than a month before the referendum.

A distinctive feature of this year's referendum was the extremely short deadline for nominating representatives to the commissions. The decree calling the referendum was signed on January 20, the CEC approved the Schedule at 3 pm of the following day and the deadline for submissions was set for January 22, 2022, as set in the Referendum Schedule. Thus, the entities had one full day left to nominate representatives and submit documents.

¹ <https://rec.gov.by/uploads/folderForLinks/sved2.pdf>

Unlike in previous election campaigns, during the referendum, the CEC did not determine the procedure for informing about the time and place of receipt of nomination documents. On some local government websites, this information was not posted.

According to the CEC, 1,934 people were nominated to 153 territorial commissions.

Out of 15 registered political parties in the country, eight nominated their representatives to the territorial commissions, including three opposition ones: Belarusian Green Party (1 representative), the Belarusian Left Party “Just World” (18 representatives), and the Belarusian Social Democratic Party (Hramada) (1 representative). The opposition United Civil Party and the BPF party did not send their representatives to the territorial commissions. A total of 120 representatives were nominated from political parties, which made up only 6.2% of the total number of candidates. This situation testifies to the preservation of the low role of parties in the political life of the state.

The share of nominees from labor collectives constituted 6.72% (130 representatives), and from citizens – 34.33% (664 representatives).

Most of the candidates for the TECs were nominated by pro-government public associations and the branches of the Federation of Trade Unions. The number of representatives of public associations and trade unions nominated to the commissions was 52.74%. It should be noted, that this does not result in a greater public influence on the election process, since the core of the nominees were representatives of the five pro-government organizations, Belaya Rus, Youth Union, Women’s Union, Association of Veterans and Peace Foundation, as well as the branches of the Federation of Trade Unions. Together they nominated 964 representatives which made 94.5% of the representatives of public associations and 49.8% of all applicants.

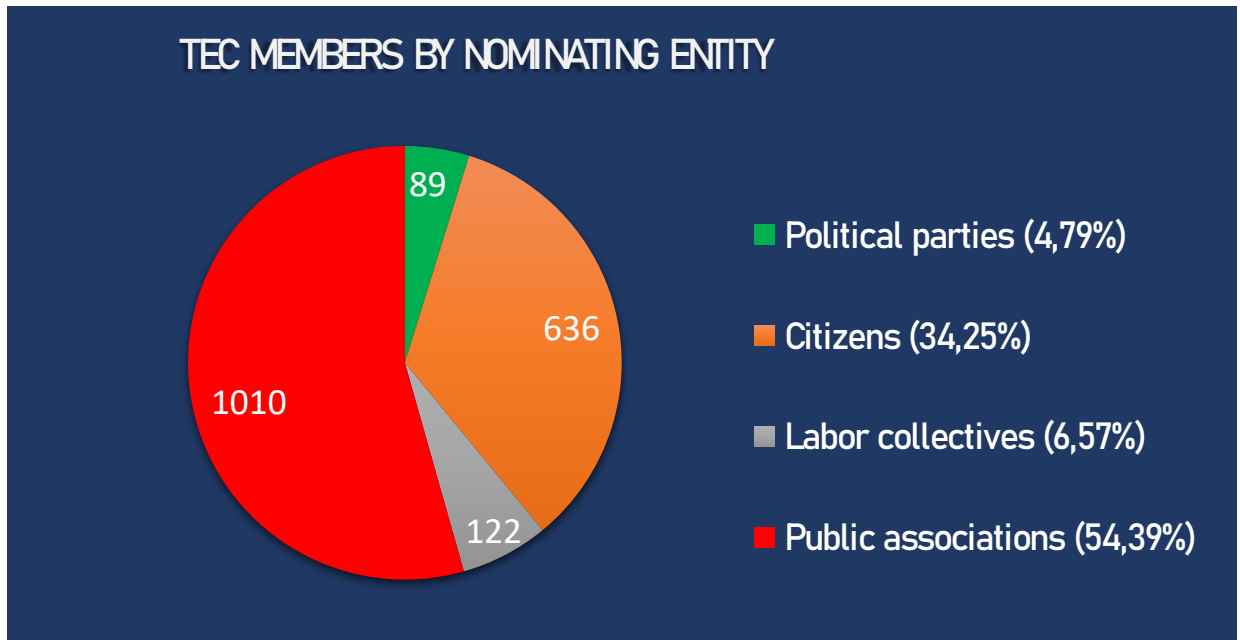
Meetings of the bodies tasked to form the commissions were held by January 25 in accordance with the Schedule. The bodies that formed the commissions, in accordance with the CEC’s decision No. 2, had to voice information on the persons nominated to the commissions. A separate vote for each candidate is only allowed in cases where the number of candidates exceeds the number of seats in the commission.

In accordance with the CEC resolution, meetings of bodies in charge of forming the commissions can be attended by the persons specified in Part 5 of Article 34 of the Electoral Code (representatives of local branches of political parties and other public associations, labor collectives of organizations, the staff of subdivisions of organizations, and citizens who nominated their representatives to the corresponding commission). The attendance of observers at these meetings is not provided for.

Meanwhile, “Human Rights Defenders for Free Elections” have repeatedly criticized the procedure of establishing election commissions as lacking certainty in legal regulation, non-transparency of the process of selection of nominees, and absence of guarantees for equal representation of different political and social forces. The formation of the commissions was marred by selective and discriminatory approaches to the nominees depending on their affiliation to a particular political party, public association, etc.

A total of 153 territorial commissions were formed to offer seats to 1,857 members, including 89 representatives of political parties (4.79% of the total number). Of the 20 candidates from opposition parties, none were included in the TEC. 80 out of 89 party representatives (90%) are members of the Communist Party of Belarus, who in the 2020 presidential election accounted for 58% of the members of territorial commissions nominated by parties, and in the 2019 parliamentary elections – 34% of party-nominated members of district commissions.

956 representatives of the five largest pro-government public associations and trade unions secured seats in the commissions, which is 54.39% of the total number. 636 people represent groups of citizens (34.25% of the total), 122 – labor collectives (6.57%).



An objective indicator of fair representation of various political forces in the commissions is the ratio of the number of selected representatives to the number of nominated members.

In opposition political parties this indicator is zero; the five pro-governmental public associations and trade unions of the Federation of Trade Unions of Belarus have 99.17% of their nominees selected; the pro-governmental political parties have 74.16%; citizens' groups have 95.78%; workers' associations have 93.85%.

Precinct commissions

In accordance with the Referendum Schedule, the nomination of representatives to the PECs was to be completed no later than February 3, 2022.

As in the case of territorial election commissions, the Central Election Commission did not determine a procedure for notifying about the time and place of receiving nomination documents during the referendum. This information was sometimes posted on the websites of local authorities, but not on all of them.

According to the CEC, 59,176 people were nominated to 5,510 precinct election commissions.

The authorities also refused to set up precinct commissions outside Belarus (there were 44 in the last election). Among the reasons stated are “epidemiological situation, inability to ensure health safety during the voting, and the lack of the required number of citizens on consular registration”. Given the many restrictions and bans on crossing the border of Belarus and other countries officially related to anti-epidemic measures, a considerable part of Belarusian voters, who for one reason or another were abroad during the referendum, were deprived of the opportunity to vote at the referendum and, thus, to exercise the right to participate in decision-making on the most important issues of state and public life.

No comprehensible and acceptable arguments were given by the authorities for depriving hundreds of thousands of Belarusians of the right to vote. The statement that there is only a small number of Belarusian citizens on the consular registry has no merit, as the number of Belarusians who left for other countries increased significantly after the events of August 2020. It should be noted that the polling stations at embassies were set up in all previous election campaigns.

Out of 15 registered political parties, 11 nominated their members to the PECs, including 5 opposition ones: the Belarusian Green Party (2 representatives), the Belarusian Left Party “Just World” (30 representatives), the Belarusian Social Democratic Party (Hramada) (7 representatives), the Belarusian Social Democratic Hramada (1 representative) and the United Civil Party (2 representatives). The opposition BPF Party did not send its representatives to precinct commissions.

A total of 2,601 representatives were nominated to the PECs from political parties, which is only 4.4% of the total number of nominees.

In general, it should be noted that opposition parties were not active across the country, while many party members and activists were forced to leave Belarus. The numerous police raids and arrests that targeted activists during and after the 2020 election campaign, including election observers, must also have affected opposition activities. At the same time, there is information about the nomination of independent representatives nominated by groups of individuals: 3 representatives applied for seats on 3 different PECs of the Slonim district, but none of them was eventually selected. An independent nominee also collected signatures and submitted them to the administration of the Maskoŭski district of Brest, but was not allowed to join the local commission.

The share of nominees from labor collectives is 11% (6,509 representatives), citizens – 33.7% (19,945 representatives), and other public associations – 50.9% (30,121 representatives).

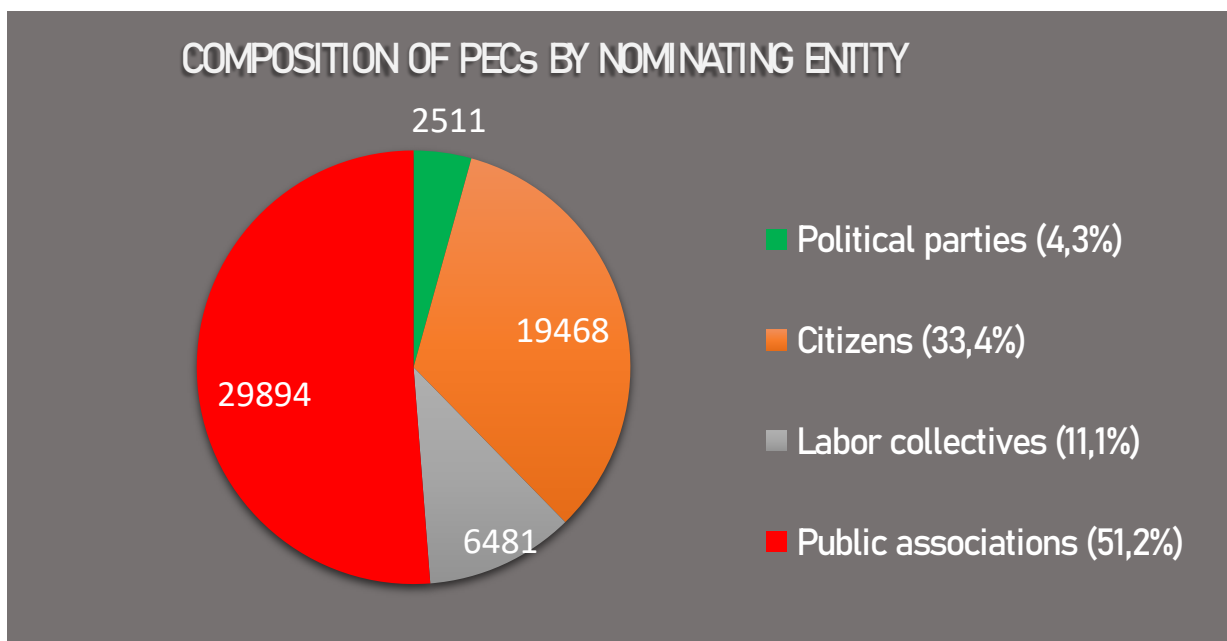
The majority of candidates for the PECs were nominated by five pro-government organizations: Belaya Rus, Youth Union, Women’s Union, Association of Veterans and Peace Foundation, together with the government-controlled trade unions nominated 28,811 persons, which is 95.6% of all representatives of public associations and 48.7% of all nominees.

Meetings of district and city (cities of regional subordination) executive committees and local administrations in city districts took place on February 4–6, 2022.

Same as during the formation of territorial commissions, the process of forming precinct commissions was poorly covered in the media. The absence of independent observers at executive committee and administration meetings affected the amount of information available on how precinct commissions were formed, including voting procedures and discussing their personal and professional qualities.

A total of 5,510 precinct commissions were formed², which included 58,354 members. 2511 of them are representatives of political parties (4.3% of the total). Of the 42 candidates from opposition parties, none were included in the PECs. The PECs included 28,584 representatives of the five pro-government public associations and trade unions, which is 49% of the total number of commission members. 19,468 people represent groups of citizens (33.4% of the total), and 6,481 – labor collectives (11.1% of the total).

² <https://rec.gov.by/uploads/folderForLinks/elect13.pdf>



For the opposition political parties, the proportion of elected members against the number of nominated representatives is zero, while five pro-government public associations and trade unions have 98.9%; pro-government political parties have 98.1%, groups of citizens have 97.6%, and labor collectives have 99.6%.

In previous elections, the authorities included an insignificant number of opposition representatives from registered parties and public associations in commissions, which maintained the appearance of their participation in the political process, although it did not affect the final balance of forces in the election commissions. In the presidential elections of 2020, the pass rate of representatives of opposition parties in PECs was 1.1%; in the parliamentary elections in 2019, it was 4.2%.

Thus, for the first time in the history of independent Belarus, the government's discriminating approach resulted in the opposition not being represented in any of the election commissions.

Entities that nominated their representative to the PECs have the right to appeal the decision of the corresponding body within three days from the date of its adoption to the regional, Minsk city, district, and city courts. The court shall consider the appeal within three days, and its decision is final.

In contrast to previous election campaigns, not a single complaint was filed with courts against the decision of the bodies forming the commissions during the preparation and holding of the referendum. This clearly illustrates the total disbelief in the justice system under the legal default.

For the first time in the election history of Belarus, lists of members of precinct election commissions were not posted on the websites of local executive committees immediately after the formation of the commissions and were not published in local media within the seven-day period required by the Electoral Code.

This is a direct violation of the requirements of the Electoral Code. Thus, according to part 7 of article 34 of the Electoral Code, the decision to form commissions shall be published in the media within seven days from the date of its adoption. The decision must specify the surname, name, patronymic

of each member of the commission, the method of nomination to the commission, location and telephone numbers of the commission.

As it became known to experts of the campaign, the composition of PECs remained secret until the very end of the referendum: lists of members of precinct commissions were not posted at polling stations, and members of commissions had nametags stated “member of the election commission” instead of their surnames.

CAMPAIGNING

According to Part 3 of Article 45 of the Electoral Code of the Republic of Belarus, citizens, political parties, other public associations, and worker’s associations have the right to freely campaign for a referendum proposal, for the adoption of a proposal submitted to a referendum, as well as against a referendum proposal, and the adoption of a proposal submitted to a referendum.

Mass events aimed at campaigning for a referendum are held under the legislation of the Republic of Belarus on mass events. This means that a simplified procedure used for mass events during other election campaigns is not applicable, and the organizers of events during the referendum must submit an application for holding a mass event at least 15 days before the intended date of the event.

Thus, the above-mentioned legislation, as well as general restrictions of mass events by opposition movements and ordinary citizens, make it impossible to extensively use rallies to campaign during the referendum.

When holding a referendum, local executive and administrative bodies, in agreement with the relevant commissions, shall allocate the most prominent places at polling stations for posting campaign materials. With the permission of the head of the relevant organization, printed materials can also be posted in other spots. If the head of the organization has allowed one candidate to post printed campaign material in the organization, he has no right to refuse another candidate to post the printed campaign material under the same conditions. Executive and administrative bodies may prohibit the posting of printed campaign materials in unallocated locations.

The state mass media are obliged to provide equal opportunities for publishing issues, texts of bills submitted to the referendum, and campaigning for the referendum.

According to Article 47 of the Electoral Code, campaigning that advocates war, contains calls for violent change of the constitutional system, violation of the territorial integrity of the Republic of Belarus, insults and slander of Belarusian officials, as well as calls that encourage or aim to encourage disruption, cancellation or postponement of elections, referendums, appointed in accordance with legislative acts of the Republic of Belarus, are prohibited. It is prohibited to agitate or promote social, racial, national, religious, or linguistic superiority, to produce and distribute messages and materials that incite social, racial, national, or religious hatred is prohibited. Upon holding a referendum campaign citizens and organizations are prohibited to distribute money, gifts, and other material values, to sell goods on preferential terms, to provide any services and goods free of charge, except for printed campaign materials specially produced in compliance with the four requirements of the Code for holding a referendum. When campaigning for a referendum, it is forbidden to affect citizens by promising to give them money or material values. In case of violation of this Article, the relevant

commissions shall take measures to stop violations, and the Central Commission, territorial, and district election commissions shall also have the right to cancel the candidate's registration decision.

The authorities arranged for widespread coverage of the draft constitution submitted to the referendum. Campaigning in the region was carried out by the apparatus of executive committees, the ideological services of enterprises, organizations and institutions, teachers, medical and cultural workers, numerous pro-government organizations, and trade unions. Numerous meetings were held with pro-government experts and officials. Most events were held behind closed doors. They were attended by employees of state organizations, enterprises and courts, teachers, university and college students. Such events took place only formally, without any active discussion or debate. Deans were present at meetings with students to address uncomfortable questions. It was claimed that participation in the referendum was a civic duty of students.

It is known about numerous facts of the use of administrative resources for campaigning. For example, workers were brought to campaigning events in companies' vehicles to ensure their attendance. Meetings in work collectives of state organizations were held during working hours.

Due to the ongoing repressions in Belarus, it is impossible to speak about equal conditions for proponents and opponents of the referendum to campaign. Opponents of the draft Constitution put to the referendum, public activists, and participants of peaceful assemblies in 2020 were preventively arrested on a regular basis. If campaigning against participation in the referendum or the draft constitution is revealed, citizens were arrested and subjected to administrative liability. In addition, the Ministry of Internal Affairs reported nine criminal cases brought in connection with the referendum. On February 20, the pro-governmental TV channel ONT aired footage of the arrest and told about 9 leaflets, which were allegedly sent to members of election commissions, and said: "Teachers! Count the votes in the referendum honestly. Otherwise, be afraid! We will come to you and hold you accountable".

There was a general atmosphere of social apathy and fear over possible repressions due to criticism of the referendum, the draft of the constitutional amendments, and the actions of the authorities. The state media only cover the activities of the supporters of the draft constitution submitted to the referendum and express only their position.

Although according to the law, when holding a referendum, local executive and administrative bodies shall allocate the most prominent places at polling stations for posting campaign materials, this norm of the Electoral Code was not implemented. Local bodies did not make relevant decisions, or at least these decisions were not published. Moreover, the Referendum schedule did not provide for such decisions.

VOTING

Early voting

According to the official data of the CEC, during the five days of early voting 42.93% of voters included in the voter lists participated in it (in Homiel region the number of voters was 49.02%), or 55% of all those who participated in the referendum, which is a new record in the history of elections in Belarus.

It was reported that early voting was organized for employees of state-financed organizations, internal affairs bodies, military servicemen, and students. At some enterprises employees were encouraged

by allowing 2-3 hours of paid time during working hours to vote early, at some enterprises employees were polled about their participation in early voting according to lists.

According to the data available to experts of the “Human Rights Defenders for Free Elections” campaign, contrary to the announced figures on the number of voters, the voters were not actively involved in early voting. In this connection, it seems that the number of those who voted early according to the CEC data has nothing to do with reality.

The authorities were very sensitive to the protest vote. For example, on February 26, a man was detained at a polling station in Viciebsk who had checked both options on his ballot³. He was accused of unauthorized picketing. Since the voting was held in open booths without curtains, the police officers noticed that the man was taking photos of the ballot. When detaining the man, they noticed that he had put two marks on the ballot in the ballot. In the opinion of the police officers, having put two marks instead of one on the ballot for voting in the referendum, the citizen held an unauthorized picket.

Voting on 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.

In general, the campaign experts were informed about the low activity of voters. There were few people at the polling stations, the lists of voters contained few signatures of those who received ballots, and the general interest of citizens in participating in the voting was low. However, protests were observed everywhere, such as voting by putting two marks on the ballot, standing near the polling station after 2 pm on the main voting day on February 27, and numerous anti-war pickets. For instance, in Navapolack Viktar Akasevich, a member of the “Naftan” strike, and his son Artsiom Akasevich were detained at the polling station. According to eyewitnesses, Viktar was detained for taking photos of his ballot.

In total, at least 735 people were detained on February 27, the vast majority of whom were participants in peaceful protests against the war between Russia and Ukraine and against the participation of Belarus in it.

In accordance with Article 54 of the EC, the precinct commission is to ensure that those voters, who for health or other good reasons cannot come to the polling station on referendum day, can participate in the voting. At the request of the referendum voters, expressed in written or oral form, the precinct commission shall instruct at least two members of the commission to organize the voting at the place of residence of these persons on the day of elections/referendum. Nevertheless, as the experts of the campaign "Human Rights Defenders for Free Elections" know, this norm is not implemented by precinct commissions. Thus, there were cases when members of election commissions walked through villages with ballot boxes and asked people who did not even apply for voting at their place of residence to vote. In Homiel, members of election commissions were walking in nearest residential courtyards trying to convince passers-by to vote. In Viciebsk, people who introduced themselves as members of the election commission wandered around residential buildings and offered to vote on the spot, right at the door of the apartment. In Svietlahorsk, members of the commission went door-

³ Shortly before the referendum, the opposition launched a campaign encouraging voters to put two marks on the ballot (checking both “for” and “against”), thus making the ballot invalid. This was explained by the need to consolidate people who do not agree with the actions of the authorities, in the absence of real opportunities to influence the referendum.

to-door, offering those who wished to vote. In the villages of the Smarhoń district, the commission visited every house, no matter whether or not there was an application to vote at home.

Counting of votes and tabulation

According to the EC, the counting of votes at the polling station begins 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. Article 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.

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 Article 55 of the Electoral Code, is non-transparent to observers and other PEC members, and allows for falsification of the vote count.

Experts of the campaign "Human Rights Defenders for Free Elections" have learned that the former practice of non-transparent vote counting remained widespread. Also, there is information that separate counting from the boxes for different types of voting was not carried out.

In the absence of independent monitoring and representation of all political forces in the election commissions, it can be argued that the voting results were not transparent. This is a violation of publicity as one of the fundamental principles of elections.

In addition, campaign experts know that final protocols with the results of the counting of votes were not published at a significant number of polling stations.