



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Situation on the eve of the elections*2024. First report of the campaign “Human Rights Defenders for Free Elections”

*The expert monitoring mission of the elections*2024 is carried out by the Belarusian Helsinki Committee and the Human Rights Center "Viasna" within the campaign ["Human Rights Defenders for Free Elections"](#).*

CONCLUSIONS

The 2024 elections*¹ in Belarus begin in conditions of continuous repression; in the virtual absence of freedom of expression, peaceful assembly and association; in a climate of total fear and political purges. After the post-election crisis of 2020 and the constitutional changes of 2022, there have been significant changes in the legal regulation of elections. These changes are aimed at reducing the role of parliament, narrowing the circle of participants in electoral processes, limiting the electoral rights of citizens and increasing the control of the authorities over the electoral process. Changes in the legal regulation of elections in Belarus make them unfree and unfair in practice. At the level of law enforcement and administrative practice, there are ongoing repressions against any manifestations of what is perceived by the authorities as political activity; independent media and almost all civil society organizations, especially human rights organizations, have been dissolved. The existing remedies are still ineffective; there are no guarantees of the independence of the courts; law enforcement practice remains unpredictable. All this makes it possible to say that citizens cannot exercise their voting rights.

¹The term "elections*" in relation to the 2024 election campaign is used with an asterisk by the Human Rights Defenders for Free Elections campaign to emphasize the perfunctory nature of this term, since any free and fair election campaign presupposes, first of all, conditions where rights and freedoms are fully realized, including freedom of speech, freedom of peaceful assembly and association, the right to take part in the conduct of public affairs, freedom from discrimination, which is currently practically absent in Belarus

LEGAL BASIS

The amendments and additions to the **Constitution** adopted at the republican referendum on February 27, 2022², among other things, transformed the system of state bodies. According to the new version of the Constitution, the status of the *supreme representative body of the people's power* of the Republic of Belarus is vested³ in the All-Belarusian People's Assembly (APA), which is not directly elected by the people. At the same time, the Parliament becomes a *representative and legislative body*⁴. A part of the parliament's powers has been transferred to the APA; in addition, there are potential grounds for significant control over the APA by the current president, which further weakens⁵ the parliament and makes the already vulnerable⁶ system of checks and balances completely dysfunctional. In the updated system, the elections of deputies of the lower house of parliament turn largely into preparation for the formation of the APA. From the point of view of the electoral process, the authority of the APA to make a decision on the illegitimacy of elections, which can lead to the recognition of an electoral event as invalid and the appointment of new elections⁷, only further undermines confidence in them, and the lack of clear criteria for "legitimacy" deprives the existing regulation of clarity and predictability.

Overall, the state's regulatory measures not only failed to eliminate the factors that led to the post-election crisis in August 2020, but worsened the situation in terms of compliance of the electoral legislation with international standards for free and fair elections.

In addition to the constitutional change in the central government bodies, legislative changes have significantly narrowed the range of actors who can currently participate in electoral processes.

Changes in the **regulation of the activities of public associations**⁸, including, among other things, the requirements for re-registration of political parties, as well as the deterioration of the conditions for other public associations, in practice result in a radical transformation of the Belarusian political field and

²See the assessments of the referendum process and changes by the Human Rights Defenders for Free Elections campaign <https://referendum2022.spring96.org/ru/news/107870>

³Article 89-1 of the Constitution.

⁴Article 90 of the Constitution

⁵[https://venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)035-e](https://venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)035-e)

⁶[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)008-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)008-e)

⁷See Article 18 of the Law of the Republic of Belarus dated 07.02.2023 No. 248-Z On the All-Belarusian People's Assembly

⁸See the law of the Republic of Belarus dated 02/14/2023 No. 251-Z On Amendments to Laws on the Activities of Political Parties and other Public Associations

the non-profit sector: out of 16 parties registered (and therefore authorized to nominate their candidates for deputies), only 4 remain⁹. The number of public associations whose representatives can be observers, participate in the activities of election commissions, and be members (applicable to republican associations) of the APA is decreasing¹⁰. It is important to note that the new version of the Constitution also deprives public associations of the right to nominate candidates for deputies, leaving it only to political parties¹¹, labor collectives, and citizens.

In the development of new constitutional provisions, the **Electoral Code** has undergone significant changes. At the same time, the amendments and additions not only do not take into account the key recommendations of the OSCE ODIHR¹² together with national and international observers¹³, but, on the contrary, lay the legal basis to make it practically impossible to conduct electoral campaigns in accordance with Belarus' OSCE commitments and other international standards.

The current regulation does not allow for a truly general election. *Active and passive suffrage is taken away not only from incapacitated citizens*, but also persons put by court verdict in places of deprivation of liberty. As a positive example, it should be pointed out that detainees, in accordance with the new version of Article 64 of the Constitution, have gained *active* suffrage. However, an exclusion from the Electoral Code of provisions regulating voting outside the Republic of Belarus indicates the legislative consolidation of illegal practices that took place in 2022, which deprived Belarusians abroad of the opportunity to vote in a referendum¹⁴; de facto, citizens currently staying abroad cannot participate in Belarusian electoral events if they are limited in their freedom of movement due to the risk of persecution.

⁹ Lawtrend, Monitoring NGOs in Belarus which are in the process of forced dissolution and which decided to self-dissolve. <https://www.lawtrend.org/freedom-of-association/situatsiya-so-svobodnoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshhestva-respubliki-belarus-obzor-za-sentyabr-2023-g>

¹⁰ See Law of the Republic of Belarus No. 251-Z On Amendments to Laws on the Activities of Political Parties and Other Public Associations, the law On the Foundations of Civil Society; <https://www.lawtrend.org/freedom-of-association/pravovoe-regulirovanie-nko/novoe-v-zakonodatelstve/zakon-ob-obshhestvennyh-obedineniyah-osnovnye-izmeneniya>

¹¹ Formally, the Constitution retains political parties as part of public associations (Article 5), but the amended Article 69 now explicitly states that the right to nominate candidates for deputies belongs to political parties (but not public associations).

¹² The OSCE/ODIHR recommendations are available in the Election Recommendations Database <https://paragraph25.odhr.pl/search?dayOfElection=2019-11-17T00%3A00%3A00.000Z&numberOfTheRecommendationInTheFinalReport=1&numberOfTheRecommendationInTheFinalReport=55&projectBeneficiary=Belarus&typeOfElection=Parliamentary&yearOfElection=2019&yearOfElection=2019>

¹³ <https://referendum2022.spring96.org/ru/news/107870>

¹⁴ <https://referendum2022.spring96.org/ru/news/106625>

A large number of people are affected by restrictions on passive suffrage. Thus, the right to be candidates is now denied to citizens who have citizenship of another state or "documents of foreign states granting rights to benefits and advantages in connection with political, religious views, or nationality." Also, candidates for deputies of the House of Representatives cannot not be citizens with a court conviction that has entered into force against them. Citizens who have an unexpunged or outstanding criminal record cannot be candidates for deputies of local Councils of Deputies. The restrictions also affected the right to be a national observer, which applies only to persons who have the right to vote. In any case, the existing regulation of observers' access to electoral events and procedures is insufficient to ensure transparency and openness of elections.

The current mechanism for the formation of the Central Election Commission (CEC) is still not clear and inclusive, and does not guarantee its independence and impartiality¹⁵. There are no provisions in the updated Electoral Code that ensure the declared principle of transparency in the activities of the CEC: informing voters is generally reduced to "the course of preparation and conduct of elections."¹⁶ The new version of the Code does not allow¹⁷ citizens to know the names of election commissions members, which further contributes to reducing confidence in the electoral process and represents a normative consolidation of illegal practices of 2022¹⁸.

The Electoral Code additionally restricts the possibility of financing the preparation and conduction of elections not only for foreign states and organizations, foreign citizens, but also organizations receiving foreign gratuitous assistance (including transfers from citizens of Belarus who stay outside the country for more than 183 days a year).

In accordance with changes in the electoral legislation, the elections* 2024 already involve the combination of two campaigns — the elections* of deputies of the House of Representatives of the eighth convocation and deputies of local Councils of Deputies of the twenty-ninth convocation on *a single voting day* on the last Sunday of February. Tying electoral events to a single voting day, in particular, creates grounds for potential inequality of deputies¹⁹. In addition, the combination of campaigns implies the use of common election commissions

¹⁵<https://referendum2022.spring96.org/ru/news/107870>

¹⁶Article 13 of the Electoral Code

¹⁷Compare the editions of Article 34 of the EC.

¹⁸<https://referendum2022.spring96.org/ru/news/106837>

¹⁹In case of dissolution of the House of Representatives, the composition of deputies elected in early elections exercises their powers only until the next single voting day, on which a new composition of the House is elected, i. e. their term of office may be significantly shorter than the full five-year period (see Article 56 of the Electoral Code)

and polling stations. So, a voter in rural areas will receive four ballots at the same time: for the elections* of deputies to the village council, for the elections* of deputies to the district Council of Deputies, for the elections* of deputies to the regional Council of Deputies and for the elections* of deputies to the House of Representatives²⁰. This creates a system that can be excessively cumbersome for voters, especially in the absence of proper education and opportunities for campaigning.

Among the changes in the Electoral Code there are measures that essentially comply with the recommendations of the OSCE ODIHR, in particular, early voting is now carried out from 12 to 19 hours without breaks²¹; citizens are included in the voter lists up until the voting day²²; the positive obligation of the CEC and precinct commissions to create accessible conditions for citizens with disabilities is legislated²³. These positive measures, however, are not able to radically change the overall situation of non-compliance of legislation with international standards.

The Electoral Code preserves the most controversial procedures, including early voting and a non-transparent vote counting procedure. A legal ban on photographing ballots has been introduced. Only the presidential election can now be declared invalid with insufficient turnout.

In general, the legal framework on the eve of the 2024 elections* legalizes many **repressive tools** used by the authorities to create a climate of fear and the inability of citizens to exercise their legitimate rights and freedoms. So, in 2021, amendments were made to the legislation which expanded and toughened responsibility for various protest activity²⁴. In 2022, a number of changes were made in anti-extremist and criminal legislation introducing the death penalty for treason, criminal liability for participation in the activities of an unregistered public organization, the possibility of criminal prosecution in absentia, conviction and deprivation of citizenship of those who emigrated, maintaining public lists of people involved in extremism, as well as the denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights²⁵. The authorities keep enforcing the norms of anti-extremist legislation that prevent the realization of freedom of expression and freedom of association²⁶, the regulation of mass gatherings contrary to international standards, the

²⁰ <https://news.zerkalo.io/economics/54422.html?c>

²¹ Article 53 of the EC

²² Article 21 of the EC

²³ Articles 33, 44 of the EC

²⁴ Viasna, [Changes in the legislation of Belarus. Legalized repression of the 2020–2021 human rights crisis](#).

²⁵ Viasna, the human rights situation in Belarus in 2022: <https://spring96.org/ru/news/110468> .

legislative framework that practically forbids the activities of independent media within the jurisdiction of the state²⁷, the systemic lack of guarantees of a fair trial by an independent court²⁸, which together²⁹ deprive citizens and key political actors of the opportunity to fully and effectively participate in the election campaign.

SOCIAL AND POLITICAL SITUATION

The 2024 elections* are organized against the background of a deep socio-political crisis lasting for more than 3 years, which began in 2020 due to increased repression against civil society during the election campaign³⁰ and falsification of the results of the 2020 presidential elections³¹. The announcement of the official results of the 2020 elections, which did not reflect the real will of the citizens³², was followed by massive spontaneous peaceful protests, in response to which the authorities launched a violent crackdown on protests and mass detentions and torture of protesters³³. The investigative authorities began to institute criminal cases against participants in peaceful protests on charges of group actions grossly violating public order or mass riots³⁴.

The **criminal prosecution for political reasons**, which was practiced every now and then throughout the authoritarian period, intensified during the 2020 presidential elections, remains at a repressive level to this day, and will continue in the foreseeable future. The initiation of criminal cases for political reasons is

²⁶The report of the OSCE fact-finding mission in Belarus on the serious threat to the human dimension of the OSCE in Belarus since November 5, 2020: <https://www.osce.org/files/f/documents/b/8/543246.pdf>

²⁷Belarusian Association of Journalists, Belarus 2022–2023. Human rights. Civil society. Media: <https://baj.by/ru/analytics/doklad-bazh-belarus-2022-2023-prava-cheloveka-grazhdanskoe-obshchestvo-media>

²⁸Report of the UN Special Rapporteur on Belarus, May 3, 2023, A/HRC/53/53:

<https://undocs.org/Home/Mobile?FinalSymbol=A/HRC/53/53&Language=E&DeviceType=Desktop&LangRequested=False>

²⁹<https://index.belhelcom.org/>

³⁰A more detailed analysis is provided in the Preliminary Analytical Report on the results of the observation:

<https://elections2020.spring96.org/ru/news/98937>

³¹The explanation of the discrepancy between the announced results of the presidential elections and the real expression of the will of citizens can be found in the Final Analytical Report on the results of observation of the presidential elections of the Republic of Belarus in 2020: <https://elections2020.spring96.org/ru/news/100922>

³²The final analytical report on the results of the observation of the presidential elections of the Republic of Belarus in 2020, p. 3: <https://elections2020.spring96.org/ru/news/100922>

³³During the first three days of the post-election protests, more than 6,000 people were detained, during August 2020 — more than 7,500, and during 2020 — more than 31,000 people. In August 2021, the Investigative Committee of the Republic of Belarus reported that in the second half of 2020, it received about 5,000 complaints of alleged ill-treatment, and all of them were rejected. See The Human Rights Situation in Belarus in 2020: <https://spring96.org/ru/news/101195>

³⁴Amnesty Eurasia, The Belarusian authorities have opened massive criminal cases against hundreds of peaceful demonstrators: <https://eurasia.amnesty.org/2020/11/03/massovye-ugolovnye-dela-protiv-soten-mirnyh-demonstrantov-v-belarusi/>

the main method of suppression of any activity disapproved by the authorities: compared to the end of 2020, the number of known criminal cases for political reasons has increased five-fold. At the end of 2020, the Viasna Human Rights Center knew of 650 people against whom a criminal case was initiated in connection with their social and political activity, 1,380 — at the end of 2021, 3,800 — at the end of 2022, and 5,200 on 11/20/2023³⁵. The most common criminal articles used to hold people accountable with an element of political persecution are Article 342 of the Criminal Code: organization and preparation of actions grossly violating public order, or active participation in them; defamatory Articles 368 and 369 of the Criminal Code: insulting the president of the Republic of Belarus and insulting a representative of the authorities; and Article 130 of the Criminal Code: incitement to hostility and discord. According to the authorities, at the end of 2020, more than 900 criminal cases were initiated for participating in protests³⁶; and more than 5,000 at the end of 2021. Cases related to "extremist and protest activity" then accounted for 5.5% of all criminal cases, while "less than 3% of crimes in this category were committed with the actual use of violence³⁷." There were 11,000 cases in July 2022 and³⁸ 16,000 cases in November 2023³⁹.

At the time of the announcement of 2024 election*, 1,444 people deprived of their liberty in connection with the initiation of a criminal case were recognized as political prisoners⁴⁰.

The 2024 elections* were announced in the climate of total fear for life and health created by the authorities. Administrative and criminal proceedings do not meet the standard of fair judicial procedure, and the execution of punishment in politically motivated cases is carried out **with the use of torture and cruel, inhuman, and degrading treatment**. The authorities not only do not protect against torture, but systematically use it themselves. Essentially, any interaction between a representative of the government and a person who is an opponent of the government or is considered as such does not take place within the framework of the law, respect for human rights, and humane treatment, but in conditions of violence, humiliation, and suffering.

At least 7 deaths are known to have allegedly occurred as a result of unjustified or disproportionate use of force and torture by the authorities: Aliaksandr

³⁵Viasna, the list of defendants in criminal cases is [updated]: <https://spring96.org/ru/news/99641>

³⁶Viasna, the human rights situation in Belarus. November 2020: <https://spring96.org/ru/news/100743>

³⁷Viasna, the human rights situation in Belarus. Analytical review: <https://spring96.org/ru/news/106328>

³⁸Telegram channel of the Investigative Committee of Belarus: <https://t.me/skgovby/7971>

³⁹The official website of the Prosecutor General's Office of the Republic of Belarus: <https://www.prokuratura.gov.by/ru/media/novosti/mezhdunarodnoe-sotrudnichestvo/generalnyy-prokuror-shos/>

⁴⁰Viasna, the list of political prisoners [updated]: <https://prisoners.spring96.org/en>

Taraikouski, Aliaksandr Vikhor, Henadz Shutau, Raman Bandarenka and Vitold Ashurak⁴¹, Ales Pushkin⁴² and Viktar Klimovich⁴³.

Freedom of speech in Belarus is absent not only at the level of an individual, but **also in the media of Belarus**. Since 2020, media and journalists have faced several widespread methods of pressure: criminal prosecution (15 criminal cases are known in 2020⁴⁴, 60 criminal cases in 2021⁴⁵, 17 criminal cases in 2022⁴⁶), obstruction of media activities by law enforcement agencies, the application of legislation on countering extremism to limit the influence of independent media and administrative measures of restricting access to information. Any independent information related to a wide range of subjects is prohibited: from the social and political issues to culture and Belarusian-language content. Violation of prohibitions entails persecution in various forms: ill-treatment and torture, fines, confiscation of property, administrative arrest and criminal prosecution, compulsory psychiatric treatment, threats of deprivation of citizenship⁴⁷.

One of the most important forms of participation in the life of the state and society is realized by people through civil society organizations, while the state has the obligation to create conditions for their proper functioning. However, after the crisis of 2020, the authorities took a number of actions **to purge civil society**. As of the end of October 2023, according to monitoring conducted by Lawtrend, 1,457 non-profit organizations have been dissolved or are in the process of dissolution (931 are in the process of forced dissolution and 526 are in the process of self-dissolution)⁴⁸.

The combination of restrictive legislation, political will, and repressive practices is used as a powerful tool to force people to leave the country⁴⁹. According to various estimates, **from 200 to 500 thousand people were forced to leave**

⁴¹Report of the United Nations High Commissioner for Human Rights, A/HRC/52/68, paragraph 12: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F68&Language=E&DeviceType=Desktop&LangRequested=False>

⁴²Viasna, Political prisoner and artist Ales Pushkin died: <https://spring96.org/ru/news/112175>

⁴³Viasna, Political prisoner Mikalai Klimovich died in the colony: <https://spring96.org/ru/news/111634>

⁴⁴Belarusian Association of Journalists, The mass media situation in 2020: <https://baj.media/sites/default/files/analytics/files/2021/media-monitoring-2020-ru.pdf>

⁴⁵Belarusian Association of Journalists, Mass media in Belarus in 2021: <https://baj.media/ru/analytics/smi-v-belarusi-v-2021-godu-0>

⁴⁶Belarusian Association of Journalists, Mass media in Belarus in 2022: <https://baj.media/ru/analytics/smi-v-belarusi-v-2022-godu-0>

⁴⁷Viasna, Restriction of Freedom of Expression under the Pretext of Combating Extremism and Terrorism: https://spring96.org/files/book/ru/ogranichenie_svobody_mnenia.pdf

⁴⁸Lawtrend, Monitoring NGOs in Belarus which are in the process of forced dissolution and which decided to self-dissolve. <https://www.lawtrend.org/freedom-of-association/situatsiya-so-svobodoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshhestva-respubliki-belarus-obzor-za-sentyabr-2023-g>

⁴⁹Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, A/77/195: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/432/95/PDF/N2243295.pdf?OpenElement>

Belarus after August 9, 2020⁵⁰ and now, as a result of new legislative changes, they are deprived of the opportunity to influence state policy.

After the 2020 presidential elections, the authorities already have experience in conducting a nationwide election campaign — a referendum on changing the Constitution, held on February 27, 2022, amid systemic and massive violations of human rights, a legal crisis, growing authoritarianism and the tension in the region due to the war unleashed by the Russian Federation against Ukraine. **The preparation and holding of the referendum did not meet the basic international standards for conducting free and fair electoral campaigns and were accompanied by numerous violations.** The voting was not transparent, there were no independent observers, and the result cannot be recognized as a real expression of the will of citizens⁵¹.

By the time the 2024 elections* were announced, the authorities had created a climate of total fear, supported by administrative arbitrariness. All three years after the 2020 presidential elections, the regime systematically purged the social and political space, leaving no opportunities for healthy political discussion and real political struggle in the election campaign. Due to ongoing political repression, any initiative to participate in the 2024 election campaign that is not sanctioned by the vertical of power will entail a high risk of politically motivated criminal prosecution. Existing remedies are still ineffective even in relation to reports of torture; there are no guarantees of judicial independence and predictability in law enforcement practice. The human rights situation in Belarus is critical, in such conditions it is impossible to talk about the 2024 elections* as free, fair, and democratic.

⁵⁰Belarusians in exile: an overlooked issue addressed by the Parliamentary Assembly:
<https://pace.coe.int/en/news/8955/belarusians-in-exile-an-overlooked-issue-addressed-by-the-parliamentary-assembly>

⁵¹The final analytical report of the expert mission on the assessment of the republican referendum, p. 4:
<https://referendum2022.spring96.org/ru/news/107870>