

MEDIA REGULATION DURING ELECTIONS & REFERENDUM IN BELARUS

The aim of the policy paper prepared by MEMO 98's senior analyst Veronica Laputska was to analyze the Belarusian legislation and practices regulating the media during elections and referenda ahead of the 27 February 2022 Constitutional referendum.

Belarusian mass media have been operating in challenging conditions since the second half of the 1990s when the first Belarusian president Aliaksandr Lukashenka started transforming Belarus into an authoritarian state. Since 1996 when the second referendum changing the Belarusian Constitution and strengthening the presidential power in the country took place, independent media have remained one of the few sources of alternative opinion.

For almost three decades, independent media and journalists have been targets of political and legal pressure. Many of them were either killed or died under strange circumstances, for instance, the disappearance of Dzmitry Zavadski (Dmitry Zavadskiy) in 2000, a cameraman working with another prominent Belarusian journalist Pavel Sharamet (Pavel Sheremet) murdered in 2016 in Kyiv; independent investigative journalist Veranika Charkasava (Veronika Cherkasova) killed in 2004; or Aleh Byabenin (Oleg Bebenin), the founder of Charter 97 who allegedly committed suicide and who was found hanged in 2010. None of the investigations of these cases led to bringing the perpetrators of these crimes to justice.

Despite many obstacles, a number of Belarusian media, including from exile, have played a crucial role in providing timely and objective information to Belarusians, which was especially important during massive political campaigns, such as elections and referenda. The 2020 presidential election took place in a changed information ecosystem, as the proliferation of social networks and the omnipresent access to the mobile Internet created by then a new segment of independent news and opinion-makers informing Belarusians about corruption, the violence of the rule of law, and various repressions against the opposition and civil society.

The importance of online activists during the presidential campaign grew further when one of the most significant influencers on Belarusian YouTube, blogger Siarhei Tsikhanouski, decided to run in the presidential election. When the authorities prevented him from the registration, Siarhei's wife Sviatlana registered as a candidate instead, with Siarhei becoming the manager of her election headquarters. The authorities responded by arresting him, while Sviatlana decided to continue as a candidate (on his behalf) and attracted dozens of thousands of supporters who attended her campaign events all over the country.

Following the election day on 9 August 2020, huge crowds gathered in Minsk and other cities to protest against the manipulated outcome of the elections, with most of the Internet and most independent media being blocked until 12 August 2020. The only reliable sources of information were the pages of independent media outlets on different social networks, including Telegram channels, which were able to inform both people in Belarus as well as abroad with updates provided by professional journalists and regular citizens who were sending photos and videos taken with their smartphones.

Regular protests have unfolded in the whole country since 16 August 2020, involving various age groups, different genders, and social strata. The protests were coordinated through a number of Telegram channels, with NEXTA being the main one. At a later stage, people self-organized into local chats using Telegram as their main platform to communicate and participate in minor local and

bigger city protests.

The combination of the growing international support for Sviatlana Tsikhanouskaya and her team operating from Lithuania and the fact that the protests in Belarus were coordinated through Telegram by activists living abroad prompted the Belarusian regime to declare war on all their opponents in the media field. However, this time the oppression did not focus only on independent journalists and newsrooms, but primarily on online activists.

The regime has targeted individuals subscribed to independent Telegram channels, imposing physical violence as well as lengthy prison sentences to discourage them from reading independent news. In addition, the regime created a list of 'extremist channels', which included both websites of independent media, but also their pages or channels on social networks.

The authorities stepped up persecution of online activists and initiated criminal actions against many of them, including those living abroad. The culmination of such cases was the forced landing of the plane flying from Athens to Vilnius to detain the former co-editor of the NEXTA Telegram channel, Raman Pratasevich, together with his partner, Sofia Sapega, on 23 May 2020. A number of cases resulted in lengthy sentences for almost a dozen bloggers and online activists, including Siarhei Tsikhanouski, who was sentenced to 18 years.

The policy paper recommendations

For the state institutions in Belarus

1. To review and amend the media legislation restricting the work of journalists in such a way that would enable journalists to work in such conditions that their rights and freedoms would not be limited.
2. To establish a different principle of operation of the state television and radio company that would be public and impartial, accountable to the people of Belarus and not to the authorities.
3. To stop persecuting journalists and media for their professional activities and release all media professionals who are in jail for political reasons.
4. To cancel the list of 'extremist' mass media and social media sources as they limit the freedom of expression principle guaranteed by the Belarusian Constitution.
5. To guarantee unstoppable access of Belarus's inhabitants to the Internet and traditional media sources.
6. To guarantee unobstructed access to independent media online sources which can be blocked without a prior decision of the court based on the full-scale investigation and trial where the representatives of independent media would have the right to defend themselves in the court.
7. To amend the election legislation in order to provide additional guarantees and freedoms for mass media, journalists, online activists, and bloggers to access different stages of the electoral process.
8. To ensure that the Media Supervisory Board established by the Central Election Commission during election and referendum campaigns consists of the representatives of state bodies, media field, and independent experts in equal proportions so that they operate on the principle of impartiality.

9. To ensure that the Media Supervisory Board publishes the results of their work on a regular basis and operates on the basis of transparency and accountability to the public.
10. To provide Belarusian online activists and bloggers with a different legal status, thus enabling them to work in a free manner on the Internet platforms and social media whilst abiding by the Belarusian legislation and enjoying the freedom of expression guaranteed by the Belarusian Constitution.
11. To allow mass media to publish public opinion polls except for the silence day when any campaigning might be forbidden.

For the representatives of the media community

1. To provide participants of the electoral process with objective, impartial and timely information about all stages of the election or referendum process.
2. To cover with a special focus the work of the Central Election Commission and lower-level commissions as well as the Media Supervisory Board.
3. To report timely to the public and international community on the violations of the election and referendum procedures.
4. To provide the platform for a meaningful discussion on the electoral process to its participants.
5. To ensure unimpeded access for election contestants to media to communicate their views, but also ensure their ability to complain about the political process.

For the representatives of civil society and the international community:

1. To support the work of media and journalists throughout the election or referendum campaign with legal and expert advice and assist them when necessary.
2. To monitor whether the state bodies ensure an unobstructed work of mass media, journalists, and bloggers and to report to the public and international organizations on any violations in that area.
3. To provide assistance and legal advice to the election bodies to ensure that they adhere to national legislation, international obligations, and best-practice standards in terms of their attitude to the representatives of the media community.

The paper covers the following areas:

- 1) legislation regulating the work of media, including laws and provisions imposing restrictions and limitations to media and journalists;
- 2) election legislation with a special focus on the role of media in elections and referenda;
- 3) the role of state television in elections;
- 4) the role of a media regulator in elections;
- 5) regulation of social networks and online media,

6) activities of Internet bloggers and influencers.

The full version of the policy paper in pdf is available here [policy-paper-final](#)

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