
INTERNATIONAL ELECTION ASSESSMENT
Republic of Belarus - Presidential Election, 9 August 2020

STATEMENT

Bratislava, 10 August 2020 – This Statement is the result of a common endeavor involving MEMO 98, the EAST (Eurasian States in Transition) Research Center and Linking Media.

The failure by the Belarusian authorities to send a timely invitation to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 9 August presidential election indicated a lack of commitment to co-operate with ODIHR election observers, as envisaged by OSCE commitments.¹ With ODIHR not able to deploy an observation mission, for the first time in 20 years, there was no credible international in-country observation.

The absence of a credible international observation represented by ODIHR is deeply regrettable, raising questions about the overall integrity of election. This assessment made by the three organizations focuses primarily on the media conduct as well as some other important aspects of the election process which were analyzed based on information from other reliable sources. The intention of this statement is to offer an independent international assessment of some key aspects of the election and to highlight the importance of the domestic observation conducted by credible domestic observers from the Human Rights Defenders for Free Elections (Human Rights Center “Viasna” and the Belarusian Helsinki Committee).

CONCLUSIONS

The 9 August presidential polls in Belarus fell short of many important international standards for transparent, accountable, fair and free elections and were characterized by an attempt of the state authorities to influence the process, including the outcome of the election, and by the use of excessive force against citizens who exercised their fundamental freedoms.

Overall, the legal framework restricts political rights and fundamental freedoms. While the Constitution provides for direct and universal suffrage as well as for freedoms of assembly, association and expression, these fundamental freedoms are not guaranteed in practice with a number of restrictions on these freedoms, such as considerable limitations on the right to

¹ [The 1990 OSCE Copenhagen Document](#) in its paragraph (8) affirms “*that the presence of observers, both foreign and domestic, can enhance the electoral process [...]*”. Participating States “*therefore invite observers from any other [O]SCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings [...]*”.

stand, obstacles to political party registration, fees and limited space for holding public gatherings, and criminal sanctions for defamation and insult.

For this election, three serious challengers of the incumbent president were not registered as candidates, on dubious grounds. Notwithstanding the restrictions, the opposition united behind one candidate and mobilized unprecedented number of supporters and activists, thanks to its campaign on social media. The incumbent president's access to state resources, such as the use of the state TV, created uneven playing field for campaigning and blurred the line between partisan interest and the state, contravening paragraphs 5.4, 7.6 and 7.7 of the 1990 OSCE Copenhagen Document. Media coverage of the campaign did not enable voters to receive sufficient information about contestants.

Exercise of fundamental freedoms was unduly restricted and severely curtailed by the authorities. Deployment of the police that used excessive force to disperse largely peaceful rallies, including after the polls, and detaining people who demonstrated a strong will for change, significantly inhibited free expression of the voters' will.²

FINDINGS

Background

The 9 August presidential election was called by the Parliament (the National Assembly) on 8 May. It was the sixth presidential election since Belarus gained independence in 1991. The 1994 Constitution was amended twice by a popular referendum: in 1996, increasing the power of the presidency, and in 2004, abolishing the two-term presidency limit. These amendments which were passed despite the fact that they were considered unconstitutional allowed incumbent President Aliaksandr Lukashenka to stand for a sixth term in office.³

Belarus signed major international and regional instruments related to the holding of democratic elections, including the ICCPR, the International Convention on Elimination of All Forms of Racial Discrimination, the CEDAW, and the UN Convention Against Corruption (UN CAC). The country is also an associate member of the Venice Commission, and a member of the Council of Europe's Group of States against Corruption (GRECO). Belarus has not ratified the European Convention on Human Rights. In 2016, Belarus ratified the UN Convention on the Rights of Persons with Disabilities (CRPD).

Candidate Registration

² Article 21 of the ICCPR guarantees the right of peaceful assembly. Paragraph 9.2 of the 1990 OSCE Copenhagen Document states that “*everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards*”.

³ [The Opinion on the Referendum of 17 October 2004 in Belarus](#) by the Council of Europe's Commission for Democracy through Law (Venice Commission).

A presidential candidate is nominated by an initiative group of no less than 100 voters. As many as 55 initiative groups applied for registration and the CEC registered 15 of them.⁴ After registration, initiative groups are required to collect 100,000 supporting signatures of voters. Same as in the previous elections, domestic observers reported the misuse of administrative resources by the incumbent in the signature collection process, which resulted in unequal conditions. The CEC considered the registration of the initiative groups at three meetings which were all livestreamed. On 14 July, the CEC registered five candidates.⁵

Restrictive legal provisions and selective application of the law resulted in non-registration of three prospective candidates and serious challengers to the incumbent president. On 29 May, popular aspiring candidate Siarhei Tsikhanouski was placed under arrest, apparently to prevent him from standing in the election. A criminal investigation was later opened against him, as well as Viktor Babaryka, a banker and another potential candidate, and also dozens of their associates, many of whom remain in detention.⁶

More specifically, the CEC denied registration of Viktor Babaryka due to alleged violations of the prohibition of direct or indirect participation in financing election activities and providing other material assistance of foreign states and organizations. As the charges against him included tax evasion and money laundering, the CEC argued that it could not accept Babaryka's tax statement. In the explanation of the CEC, Viktor Babaryka's nomination group was composed of Belgazprombank employees, who organized and provided support for his nomination using property of the bank, which is owned by foreign states and foreign organizations.

Valery Tsapkala, a former ambassador who used to head the High Technology Park Belarus, was also rejected. The CEC justified its refusal to register him by insufficient number of valid support signatures, as well as the submission of what the CEC described as "crucially inaccurate" information in the declaration of income and property relating to the nominee's wife's assets.

The EU expressed concerns over "*Belarus' lack of observance of fundamental freedoms and the seemingly arbitrary exclusion of candidates from the electoral process*". It called on Belarus to release all political activists arbitrarily detained, to ensure their access to legal counsel, as well as to conduct fair, impartial and transparent investigation in all cases. The

⁴ The initiative groups of the following candidates were registered: Aliaksandr Lukashenka, Aleh Haidukevich, Yury Hantsevich, Uladzimir Niapomniashchykh, Natallia Kisel, Viktor Babaryka, Valery Tsapkala, Siarhei Cherachen, Volha Kavalkova, Hanna Kanapatskaya, Andrei Dzmitryeu, Sviatlana Tsikhanouskaya, Aliaksandr Tabolich, Yury Hubarevich and Mikalai Kazlou.

⁵ Aliaksandr Lukashenka, Hanna Kanapatskaya, Andrei Dzmitryeu, Siarhei Cherachen, and Sviatlana Tsikhanouskaya.

⁶ There are currently three initial nominees in prison, arrested for various reasons, seen as politically motivated – Mr. Tsikhanouski since 29 May, Mr. Statkevich since 31 May and Mr. Babaryka since 18 June 2020.

EU regretted that Belarus did not extend in due time the invitation to the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and urged Belarus to respect international election standards throughout the rest of the electoral process.⁷ Denial to register candidates on minor grounds compromised the integrity and inclusiveness of the candidate registration process, contrary to international standards and commitments.⁸

Election Campaign

While the incumbent president effectively refrained from conventional campaigning, the unequal access of all other candidates to state resources challenged the principle of separation of state and party and created an undue advantage, contrary to OSCE commitments and international standards.

A number of political activists, citizen observers, journalists and even bystanders were detained during or after political and campaign events by law enforcement officers, with the use of excessive force. On 1 July, UN Human Rights demanded to end the crackdown. They urged the government to abandon its policy of arbitrary arrests, violence and intimidation against civil society activists. It was reported to the experts that unidentified men in plain clothes began to arbitrarily arrest journalists and passers-by in several towns of Belarus, while anti-riot police used excessive force against peaceful protesters. Many of those detained were beaten, intimidated, ill-treated and either received fines or sentences of up to 15 days of administrative detention on charges of violating the procedure for holding mass events.⁹

President Aliaksandr Lukashenka's pronouncement regarding the deployment of country's Armed Forces, of which he is the Commander-in-Chief, appeared as a covert threat to his political opponents and to all people with dissenting views in Belarus.¹⁰ It intended to intimidate them in exercising their right to freedom of peaceful assembly. On 17 July, UNHCR issued a statement calling on Belarus that it has the duty to facilitate peaceful assemblies and to uphold the right to freedom of opinion and expression, including by those who may be expressing dissenting views and support for opposition candidates. Moreover, "journalists wanting to cover the protests should not be prevented or obstructed in their work, and subjected to arbitrary arrest and detention, given the important role they play in imparting information on matters of public interest, and thus they have the right to access such information."¹¹

⁷ EEAS, [Press release](#) from Ad hoc meeting of EU and Belarus senior officials, 23 July 2020

⁸ Paragraph 7.5 of the 1990 OSCE Copenhagen Document calls on participating States to "*respect the right of citizens to seek political or public office individually or as representatives of political parties or organizations, without discrimination*". Section I.1.1.d.iii. of the 2002 Code of Good Practice recommends that the proportionality principle must be observed when depriving an individual of the right to be elected.

⁹ The UN Office of the High Commissioner for Human Rights, [Statement](#), 1 July 2020.

¹⁰ The speech is available at: <https://www.belta.by/special/president/view/lukashenko-poseschaet-brigadu-spetsnaza-vnutrennih-vojsk-v-uruchje-400274-2020/>

¹¹ Spokesperson for the UN High Commissioner for Human Rights, [Press briefing note on Belarus](#), 17 July.

Despite an expanded notification procedure for public events, certain other restrictions, such as the limited number of places assigned for campaigning by local authorities¹² as well as obstacles to Sviatlana Tsikhanouskaya's campaign events, inhibited the freedom of assembly for non-contestants during the campaign, contrary to international standards and OSCE commitments.

Media

The media landscape is characterized by the state's monopoly and absence of alternative or critical views, depriving voters of the ability to make informed choices. Defamation and public insult remain criminal offences and since 2018, the law stipulates a fine for distribution of prohibited information, including online, restricting the freedom of expression. All candidates were entitled to coverage in electronic and print state media free of charge.

Similar to [the pre-election period](#), [the campaign media coverage](#) of political events differed to a large extent between traditional and social media. Although social media offered to voters significantly wider range of political views, television still remains the most important source of political information. In such limited media freedom environment, the incumbent took advantage of state television to portray himself, within the capacity of the president, as the only one capable of running the country.

The state TV demonstrated a clear preferential treatment of Aliaksandr Lukashenka. It allocated him as much as 97 per cent of its political news coverage (it was 94 per cent in the periods before the official campaign), exclusively in his capacity as president, portraying him only in a neutral or positive way.¹³ In sharp contrast, other four presidential candidates, Andrei Dmitryeu, Siarhei Cherechen, Hanna Kanapatskaya and Sviatlana Tsikhanouskaya, were not presented at all in the main news program. Instead, there were two negative reports on not registered nominees (in particular on Viktor Babaryka).

As such, candidates were not provided with a meaningful platform to convey their messages through the state media. One joint debate and two free airtime slots per candidate, aired by state broadcasters outside the prime time, could not substitute for the lack of balance. The combination of the bias coverage in favor of the incumbent president and the restrictive media environment that hinders free reporting, resulted in the failure to comply with the Paragraph 7.8 from the 1990 OSCE Copenhagen Document. It obliges participating States to provide conditions for *“unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process”*.

¹² Human Rights Defenders [reported](#) on the decrease of places assigned for campaigning in comparison with the 2015 presidential election.

¹³ The monitoring of state channel *Belarus 1* (evening news programme *Panorama*) was carried out before the official campaign period (29 April – 19 May and 3 -23 June) and between 15 July and 4 August 2020.

Citizen Observers

In line with OSCE commitments and international standards, the law provides for citizen and international observers. However, the Human Rights Defenders for Free Elections reported a number of restrictions preventing them from conducting meaningful observation of elections, including during the early voting and on election day, which reduced transparency of the process.

Early voting

Early voting took place from 4 to 8 August and according to the CEC, as many as 41.7 per cent of voters voted during this period (a significant increase in comparison with the 2019 parliamentary and the 2015 presidential elections when the early voting turnout was and 35.77 and 36.06 per cent respectively). The OSCE/ODIHR has criticized a number of problems undermining the integrity of the early voting process in the past elections, including the insufficient measures to safeguard the inviolability of election material, the fact that only two polling station members are present during the early voting, as well as the fact that daily protocols from each polling stations are not publicly posted. Domestic observers from the Human Rights Defenders for Free Elections reported allegations of pressure on state employees and military conscripts to participate in the early voting.¹⁴

INFORMATION ABOUT ORGANIZATIONS

MEMO 98

An internationally recognized, independent, and non-profit specialist media institution, with 22 year-long experience of conducting media monitoring and research and assisting civil society groups. Using tested and approved methodologies and tools, we provide media analysis and media monitoring with tangible results, in particular during election periods. Having participated in more than 120 election observation missions and about 150 media & election related projects and trainings in more than 55 countries (in the Commonwealth of Independent States and the Balkan countries, but also in Africa, Asia, South America and Middle East), our experts provide assistance on media & electoral and other democratic arrangements.

EAST Center

The Eurasian States in Transition Research Center, launched in 2016, is an independent, interdisciplinary think-tank focused on post-Soviet and east European studies. The EAST Center's mission is to produce high quality research on disinformation in Central and Eastern Europe, domestic and foreign policies in the eastern European countries, and the Eurasian Economic Union.

Linking Media

A Polish-based non-profit organization specialising in journalism training, media monitoring and analysis in Belarus, Georgia, and Ukraine. It was founded by Alexey Leonchik in 2015, and has since then implemented dozens of projects on empowering civic society.

¹⁴ Human Rights Defenders for Free Elections, [2020 Presidential Election. Report on early voting](#), 9 August 2020.