

# Analytical report on the human rights situation, including the situation of political prisoners, in Belarus in 2021

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# 1. Freedom of assembly

## **A brief overview of the main international obligations**

The Republic of Belarus has signed and ratified international treaties which enshrine obligations on freedom of expression, including freedom of the media: the International Covenant on Civil and Political Rights and the CIS Convention on Human Rights and Freedoms.

## **National legislation and practices not in line with international obligations**

The Belarusian legislation on peaceful assemblies contains excessive and disproportionate restrictions on the right to peaceful assembly. As noted in the Joint Opinion of the Venice Commission and the OSCE ODIHR on the Law of the Republic of Belarus on Mass Events, the Belarusian Law is characterised by overly detailed regulation of the procedural aspects of assemblies. The Law creates a complex procedure for following a rigid and time-consuming authorisation procedure, while at the same time leaving greater scope for administrative bodies to apply the Law. This procedure fails to reflect the positive obligation of the state to ensure and promote the enjoyment of the rights to freedom of peaceful assembly and of expression. The Law also fails to provide for appropriate mechanisms and procedures to ensure that these freedoms are enjoyed in practice and are not subject to overbureaucratic regulation. Such over-regulation may unduly restrict the exercise of the rights to freedom of assembly and of expression.

The main problem that stipulates the national context for peaceful assemblies in the Republic of Belarus is the permissive procedure for all assemblies without exception, including solitary pickets. This has been the subject of constant criticism from the international community and Belarusian human rights organisations. In 2019, in an attempt to demonstrate progress in the realisation of freedom of assembly, the Belarusian authorities amended the Law on Mass Events by adding a separate article to it, providing

for the possibility to hold certain assemblies under a notification procedure. This applied to static assemblies that were held in specially designated locations by local authorities. In order to hold such assemblies, it was enough to submit a notification to the local executive and administrative board not later than 10 days before the planned date of the mass event. In comparison, for mass events held under the general procedure (meetings, rallies, street marches, demonstrations, etc.), it was required to submit an application to the local authority no later than 15 days before the intended date of the mass event and to obtain permission to hold it.

These amendments have formally improved, albeit marginally, the situation regarding freedom of assembly. The notification procedure for holding mass events in permanent locations for holding them could have been a truly positive step towards realising the right to freedom of assembly if permanent locations for holding mass events were defined as convenient and close to the target audience. The legislation stipulates that permanent locations for public events should be determined by local executive and administrative bodies. An analysis of the decisions taken shows that these are extremely inconvenient places, which are located far from the city centre, from the buildings of local authorities (parks, squares, stadiums).

Another problem when holding assemblies by notification is that the local executive and administrative body has the right to notify the organiser who submitted the notification about the non-compliance of the mass event if the notification does not meet the requirements of the Law. It is important to note that in Belarus, in the majority of cases, mass events are refused on this very ground — non-compliance of the application to hold a mass event with the requirements of the Law On Mass Events.

The notification procedure, while not a serious improvement in the area of freedom of assembly, was nevertheless a step forward in the context of a near total lack of access to the right to peaceful assembly. However, as early as 2021, the authorities decided to abolish it. The repeal of the notification procedure for certain assemblies took place against the background of the adoption of general repressive legislative acts that toughen the responsibility for participating in protests and for expressing opinions in various forms. Thus, the notification procedure for certain public events existed for just over two years.

Another problem is that the organiser of any mass event is obliged to pay for public order services provided by law-enforcement agencies, as well as expenses related to medical services and cleaning up the area after the mass event. While such requirements are acceptable for commercial events, it is obviously unacceptable for mass events aimed at implementing the constitutional rights and freedoms of citizens. Besides, the Belarusian legislation in this matter makes no distinction between a solitary picket and other mass events. Thus, from the point of view of the law, even an organiser of a solitary picket is obliged to conclude the mentioned contracts and pay for the respective services.

In addition to payment for public order services (the amount of which depends on the number of participants in the mass event), the organiser shall pay the costs of specialised agencies (medical and community services), which shall include:

- expenses for the payment of salaries to employees involved on the basis of their classification, number, time of participation in the mass event;
- expenses for the payment of compulsory insurance contributions of employees in accordance with the legislation of the Republic of Belarus;
- the cost of supplies and materials used to stage the mass event, including medicaments, medical products and detergents;
- indirect (overhead) costs of specialised agencies;
- taxes, duties and other obligatory payments to the republican and local budgets provided for by law.

Overall, obtaining a permit to hold a mass event is a complex multi-stage procedure that involves the submission of an application to hold a mass event, and the signing of appropriate cleaning, medical and policing contracts by the organiser. However, complying with all the formalities does not guarantee a positive authorisation to hold a mass event.

Thus, the organisation and holding of any mass event as required by law entails many bureaucratic procedures, as well as the obligation to pay a fee for exercising one's constitutional right to assemble. Such procedures essentially dilute the meaning of this right and make it virtually impossible to hold an assembly in accordance with the Law. As a result, citizens are forced to resort to organising mass events without permission. At the same time, the absence of permission for holding a mass event leads to the fact that the bodies of internal affairs can take measures, on formal legal grounds, to stop the mass event, disperse its participants, detain them and bring them to administrative responsibility.

Among the examples of the inconsistency of the Belarusian legislation on mass events with international standards is also the lack of legal possibility to hold spontaneous mass events as a prompt reaction to events in the country. Such mass events are simply not possible under Belarusian law. In order to hold such events, the organisers generally have to submit an application to the local authority no later than 15 days before the intended date of the event.

Counter-demonstrations are also not possible under Belarusian law.

It should be noted that the UN Human Rights Committee, while considering the fifth periodic report of the Republic of Belarus on the implementation of the International Covenant on Civil and Political Rights (8-9 October 2018), noting the 2018 amendments to the Law on Mass Events establishing a notification procedure for assemblies, expressed concern that the notification procedure only applies to assemblies held in specially designated permanent locations, allegedly far from the city centre.

The Committee expressed particular concern about the following unjustified obstacles to the exercise of the right to peaceful assembly:

- the general requirement to obtain a permit for any protest;
- strict permit conditions, including the obligation to respect public order and safety standards, as well as the provision of medical care and cleaning of event venues;
- restrictions on assemblies, in particular, the requirement to hold them only in permitted locations, limitations on the number of participants (the number of participants in events organised by individuals must be less than 1,000) and the prohibition of spontaneous assemblies.

In this connection, the Committee recommended that the Republic of Belarus review laws, regulations and practices, including the Law on Mass Events, to ensure that the right to freedom of assembly can be fully enjoyed, both in law and in practice, and ensure that any restrictions on freedom of assembly, including through the use of administrative and criminal penalties on persons exercising this right, comply with the strict requirements of article 21 of the Covenant<sup>1</sup>.

Analysis of the practice of application of the legislation on mass events over the past 10 years demonstrates a lack of consistency in the authorities' reaction to holding mass events. Traditionally, with a few exceptions, local authorities coordinate only a few mass events during the year — the Day of Will (the day the Belarusian People's Republic was proclaimed, which took place on 25 March 2018), "Chernobyl Way" (an event, commemorating the tragedy at the Chernobyl nuclear power plant on 26 April 1986) and "Dziady" (memorial days in the calendar of Belarusians, Catholics and Orthodox, on which a procession is organised to the Koropaty tract, where over 130 members of the Belarusian intelligentsia were shot and buried on the eve of this traditional holiday in 1937). Other mass events are usually held in the absence of permission from the local authorities, which gives grounds for law enforcement officers to detain and prosecute participants and organisers. However, during certain periods of the so-called liberalization of the authorities (2014-2016, 2018-2019), wishing to show the West their "democracy," they did not resort to dispersing unauthorized protests, drawing up reports on the organisers only and bringing them to administrative responsibility later.

Below are some statistics regarding the exercise of the right to peaceful assembly over the last 4 years.

During 2017 there were more than 600 cases when people were held administratively liable in connection with the exercise of the freedom of peaceful assembly and expression, in more than 250 cases judges imposed administrative detention. In 2017, there was an increase in protest movements due to the adoption of Decree no 3 on Preventing Social Dependency. Numerous protests took place in early 2017. On 15 and 25 March, the

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<sup>1</sup>) CCPR/C/BLR/CO/5

authorities violently dispersed peaceful assemblies, with hundreds of people detained in central Minsk.

During 2018 there were 184 cases of administrative prosecution for participation in unauthorised peaceful assemblies against 144 people: arrests were made on 21 occasions and fines were issued in 163 cases, totalling around 45,000 EUR.

2018 was characterised by a calmer environment and a lower level of repression, with fewer cases recorded as a result compared to 2018 and 2019.

In December 2019, there was a significant increase in repression against participants in peaceful assemblies held during the parliamentary elections as well as against participants in a series of peaceful protests against the signing of the Deeper Integration Agreements between Belarus and Russia. A total of at least 70 administrative fines were imposed during December for participating in a peaceful protest or for calling for participation. 12 people were subjected to administrative arrest for 5 to 15 days<sup>2</sup>.

In 2020, repression of peaceful assemblies and protests continued throughout the year, with Viasna HRC recording some 200 cases of administrative prosecution in the form of fines and administrative detention from the beginning of the year until the start of the presidential election campaign. During the election campaign period repression intensified, despite the fact that the legislation sets much fewer restrictions on holding public mass events during this period (about 550 administrative penalties were imposed) and reached its peak on 9-13 August, when peaceful protests against rigging of the election results were violently suppressed in various Belarusian cities using special means, weapons and special equipment; about 7 000 participants were detained then, most of whom were subjected to fines and administrative arrest.

The total number of people detained during the post-election protests, taking into account various data sources, is over 31,000. The volunteer team of Viasna HRC collected data on 2,579 detentions in 46 locations in Belarus during this period<sup>3</sup>.

## Current status

As of the end of 2021, the space for exercising the right to freedom of peaceful assembly was completely closed by the Belarusian authorities. In the spring of 2021, amendments to the legislation were adopted and came into force, which further restricted the possibility to hold mass events and toughened the responsibility for participation in unauthorised assemblies. For the first time, criminal liability was introduced for repeated violation of

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2) Monitoring the right to freedom of assembly. Belarus 2019: <https://ecnl.org/sites/default/files/files/Monitoring-the-Right-to-Free-Assembly-Belarus-report-RUS-2.pdf>

3) The Human Rights Situation in Belarus in 2020. Analytical Review: [https://spring96.org/files/misc/review\\_2020\\_ru.pdf](https://spring96.org/files/misc/review_2020_ru.pdf)



the procedure for the organisation and holding of mass events, as well as public calls for the organisation or holding of illegal meetings, rallies, street processions, demonstrations or picketing or involvement of persons in such mass events (Art. 342<sup>2</sup> and 369<sup>3</sup>, the maximum liability being deprivation of freedom for up to three and five years respectively.)

On 1 March 2021, a new version of the Administrative Offences Code came into force, increasing the penalties for violating the established procedure for holding a mass event. Thus the following measures have been introduced:

- the amount of fine for participants of mass events has been increased (from 1 March 2021, the fine shall be up to 100 basic values, previously — up to 30 basic values). For a repeat violation by the participant of a mass event (within a year after the penalty for the same violation) — the maximum penalty has been increased to 200 basic values, and the term of administrative detention is now from 15 to 30 days (previously — from 1 to 15 days).
- the maximum penalty for the organizers of mass events has been increased from 20 to 150 basic values for individuals and from 20 to 200 basic values for legal entities; previously it was 20 to 40 basic values for individuals and 20 to 100 basic values for organisations). For a repeated violation by the organiser of a mass event the maximum penalty is increased to 200 basic values (previously — 50 basic values for an individual), and the term of administrative arrest now is from 15 to 30 days (previously — from 1 to 15 days).
- Liability for involving a minor in a meeting, rally, street procession, demonstration, picketing or other mass event held in violation of the established order has been introduced. Under the new Code of Administrative Offences, such actions are punishable by a fine ranging from 5 to 30 basic values.

Throughout 2021, participants of peaceful protests held in 2020 were detained and prosecuted for participation in mass riots (Article 293 of the Criminal Code) or for organising and preparing actions that grossly violate public order or for active participation in them (Article 342 of the Criminal Code). At the same time, many of them were subjected to the practice of “penitential” videos, which were recorded by the police and widely replicated in pro-governmental telegram channels. As a result of such actions, a total atmosphere of fear has developed in Belarus, in which people are afraid not only to take part in peaceful protests but even to publicly express their point of view on any issues.

# 2. Media and freedom of speech

## Brief overview of the main international obligations

The Republic of Belarus has signed and ratified international treaties which enshrine obligations on freedom of expression, including freedom of the media: the International Covenant on Civil and Political Rights and the CIS Convention on Human Rights and Freedoms.

## National legislation not in line with international obligations

The Law on Mass Media, adopted in 2008, is a key document and provides for: a permissive registration procedure for media outlets, including print media; non-transparent licensing procedures for broadcast media; the use of accreditation to restrict journalists' access to information, the possibility to terminate the activities of the media upon the suit of the Ministry of Information regardless of the gravity of violations committed by the media, and an even more simplified procedure for revoking broadcasting licenses.

In 2014, the Law on Mass Media was amended, which worsened conditions for traditional media; strengthened control over media disseminators (from their registration with the Ministry of Information to the possibility to apply sanctions against them up to the prohibition to disseminate media); made news website owners responsible for the content posted on their resources; enabled the Ministry of Information to block Internet resources extrajudicially, even for a single violation of the law.

The 2018 amendments to the Law on Mass Media tightened the state's control over freedom of expression on the Internet. These amendments established state control over electronic media. In particular, there is a requirement to register as an official electronic media outlet and the obligation for information portals to conduct mandatory identification of website visitors.

In 2018, new provisions were introduced in the Code of Administrative Offences, establishing additional liability for owners of Internet resources for publishing “prohibited” information, for which there is no definition.

On 24 May 2021, Laws providing for a number of amendments to the Law on Mass Media and the Law on Mass Events were adopted.

The amendments, inter alia, expanded the legal restrictions on media activities; added to the list of grounds on which authorities may revoke journalists’ accreditation, close down publications or block their websites. Dissemination of the results of public opinion polls conducted without proper accreditation was prohibited. Hyperlinks to news reports and materials containing information whose dissemination in the media or on Internet resources is prohibited have been added to the list of prohibited information. The right to make decisions to restrict access to such Internet resources shall be vested not only in the Ministry of Information but also in the Prosecutor General, as well as regional prosecutors and the prosecutors of the city of Minsk. At the same time, according to the updated legislation on extremism, any information containing an opinion that does not correspond to the state agenda can qualify as such.

New restrictions on the work of journalists have been introduced, especially in the coverage of mass protests. In particular, there is a de-facto ban on real-time coverage of mass events held in violation of the established order for the purpose of their promotion or propaganda.

Journalists are prohibited from acting as organisers or participants in public events in the course of their duties.

Another document that has undergone serious changes is the Law on Countering Extremism. The amendments give an extremely broad interpretation of the concepts of “extremism,” “extremist materials” and “extremist formation.” The interpretation allows to prosecute for extremism any expression of opinion that contains criticism of the actions of the authorities. Separately, the law introduced the notion of “extremist symbols and attributes,” the definition of which includes white-red-white symbols, protest ideas and slogans.

The Law on Amending the Codes on Criminal Liability introduced criminal liability for extremism, for repeated violation of the order of holding mass events, for illegal collection and distribution of personal data, as well as increased liability for violence or threat against law enforcement officers and judges; for resisting police officers; for publicly insulting a government official; for the organisation of or participation in riots; for public calls to unauthorised mass events, etc.

Thus, legislation has been tightened for protesters, disgruntled people and independent media, creating grounds for recognising them as extremists.

Moreover, defamatory articles of the Criminal Code of the Republic of Belarus continue to exist and are applied, prohibiting the publication of information that damages the honour and dignity of high-ranking officials; providing liability for intentionally providing false information to a foreign state, foreign or international organisation about the political, economic, social, military or international situation of Belarus or the legal position of Belarusian citizens, which damages the prestige of Belarus.

## **Practices that violate international obligations and national law**

The political and economic crisis had a determining impact on the media situation in 2011-2013. The crisis came after the presidential election of 19 December 2010, followed by a repressive crackdown on the opposition and civil society. Since the second half of 2013, the media situation in Belarus has stabilised, remaining highly unfavourable to freedom of expression. In 2014, the authorities in Belarus maintained the approach of restricting freedom of expression, applying both legislative restrictions and new methods of pressure on media and journalists.

In October 2015 another presidential election took place, which increased the pressure on independent media: 28 journalists were fined for working with foreign media without accreditation; 19 detentions were recorded; the Ministry of Information issued warnings to 27 print media on spurious grounds.

In 2016, journalists continued to be prosecuted for cooperating with foreign media without accreditation; journalists whose materials on the Russian websites Regnum, [Lenta.ru](http://lenta.ru), and EADaily contained criticism of the Belarusian statehood were detained; the Ministry of Information continued the practice of extrajudicial sanctions against the media.

In 2017, the number of journalists under pressure increased. The offices of some independent media were searched and equipment was seized; the well-known internet resource [belaruspartisan.org](http://belaruspartisan.org), which criticised the authorities, was blocked.

In 2018, access to [charter97.org](http://charter97.org) was blocked; extremism legislation was widely used to restrict freedom of expression; pressure on freelance journalists collaborating with foreign media intensified further. Since 2018, searches and seizures of equipment and hardware from journalists and bloggers have intensified.

However, the situation reached a critical peak in 2020.

Journalists have come under severe pressure from the authorities in connection with election coverage and protests. There were 481 detentions of journalists in 2020, including 160 in August 2020. The detentions were accompanied by damage or seizure of professional

equipment and forced removal of footage. There were three recorded cases of the use of firearms against journalists during their work, which resulted in serious injuries. The number of cases in which journalists were prosecuted increased, which were also related to their coverage of protests or critical reporting on the actions of the authorities.

2020 was characterized by restricted access to websites that reported independently on the socio-political situation, pressure on popular Telegram and YouTube channels, and obstacles to the printing and distribution of non-state newspapers. Foreign correspondents were refused accreditation. As a result, all foreign media correspondents were stripped of their accreditation. Journalists of state media who spoke out against the dissemination of unjust propaganda were dismissed and prosecuted. TUT.BY, the largest Internet portal in Belarus, lost its media status.

In 2021 the Belarusian Association of Journalists and the Belarusian PEN Center were liquidated. A tendency of recognising mass media as extremists appeared. The TUT.BY portal and Belsat TV channel, as well as many Telegram channels, were recognised as extremist.

In 2020-2021 the restriction of the freedom of speech affected not only journalists but also citizens who publicly express their opinions on the Internet. Thus, many have been held administratively or criminally liable for online comments qualified as insults to the president or other representatives of the authorities or as calls for extremist activities. People who participate in chat rooms identified as extremist materials have also been detained.

## **The authorities' response (or lack thereof) to practices that violate international human rights standards**

The Belarusian authorities regard the Law on Media as absolutely compliant with international standards.

The Ministry of Information has always presented the Law as “good, helping rather than hindering work”<sup>4</sup>. Lilia Ananich, the deputy chairperson of the Standing Commission on Human Rights, National Relations and Mass Media of the House of Representatives of the National Assembly of Belarus and former minister of information, said that the Law on Media in its latest version does not infringe on freedom of mass information, but on the contrary, ensures the right of citizens to receive reliable, complete information and prevents manipulation of the public consciousness. According to Ananich, the latest amendments are aimed at protecting state and public interests in the field of mass information and strengthening the national security of the Republic of Belarus in the information sphere<sup>5</sup>.

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4) Gennady Konstantinov. New media law in Belarus — the opposite of opinions // Deutsche Welle, 13 August 2008. URL: <https://p.dw.com/p/EwVa>

5) Lilia Ananich: I do not agree with the view that the law infringes on media freedom // STV TV, 4 April 2021 URL: <http://www.ctv.by/liliya-ananich-ya-ne-razdelyayu-tochku-zreniya-o-tom-chto-zakon-ushchemlyayet-svobodu-massovoy>

## Current status

The situation of freedom of speech and media freedom in Belarus continues to deteriorate. Repressions against journalists and media outlets do not stop. The number of political prisoners, among whom are journalists, is growing. More and more informational Internet resources are being blocked with the number of blocked resources now exceeding 70. These include the websites of such publications as Euroradio, Radio Svaboda, Salidarnasts, Tribuna, Belsat, Vitebskiy Kuryer, Virtual Brest, AFN, Mediazona. Belarus, and other media, including foreign ones — Deutsche Welle and Present Time.

# 3. Freedom of association

## Brief overview of the main international obligations

Belarus has signed and ratified a number of international treaties enshrining the right to freedom of association and participation in decision-making: the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and others.

## National legislation not in line with international obligations

The key document on the establishment and functioning of public associations in Belarus is the Law on Public Associations. It establishes a complicated and burdensome procedure for the registration of organisations. The registration procedure for parties, foundations and public associations is still longer and more expensive than the registration procedure for commercial legal entities. The legislative formulation of the grounds for refusal of registration is very vague and allows the Ministry of Justice to arbitrarily refuse registration on the grounds of technical violations or minor deficiencies in the execution of documents. The statutory judicial appeal against refusals to register does not serve as a means of restoring the right to association, as in fact, the courts do not satisfy such appeals. In addition, there is no possibility for national associations to appeal against court decisions to refuse registration.

At the same time, despite the repeal in 2018 of Article 193-1 of the Criminal Code (introduced in 2006, on the eve of the presidential elections), which criminalised the activities of unregistered organisations, the ban on the activities of various forms of NPOs without state registration persists, including public associations and religious organisations. Violation of this prohibition is subject to administrative liability under Article 24.57 of the Code on Administrative Offenses (Illegal organisation of the activities of a public

association, religious organisation or foundation or participation in their activities) in the form of a fine, which is imposed out of court.

In 2015, Presidential Decree no 5 was adopted, which imposed significant restrictions on NPOs' funding from both domestic and foreign sources. According to this Decree, NPOs are prohibited from receiving any amount of foreign funding without the approval of the Department of Humanitarian Affairs. NPOs may only receive assistance from legal persons for the purposes outlined in Presidential Executive Order no 300. These do not include protection of human rights, animal welfare, anti-discrimination, gender equality, etc. For all other purposes, it is possible to receive funds from businesses only with the consent of the President.

On 25 May 2020 Decree no 5 was replaced by Decree no 3 on Foreign Gratuitous Aid, which introduced certain changes. In particular, the list of purposes for which foreign gratuitous aid can be received was changed. However, this list never included purposes related to the protection of human rights. On the whole, the changes were not significant.

On 8 November 2021 Alexander Lukashenko signed Decree no 7, which amends Decree no 3 of 25 May 2020 on Foreign Gratuitous Aid. The document will take effect in three months (10 February 2022). The new Decree does not make any significant changes to the procedure for receiving foreign donations: the permissive procedure for registering foreign aid remains the same, no minimum amounts are set that do not require registration, the decision to release aid or part of the aid received is still taken on an individual case-by-case basis, according to the opinion of the state authorities, etc.

The Law of the Republic of Belarus on Public Associations prohibits independent entrepreneurial activity of public associations. Thus, public associations are deprived of the possibility to receive funds from the sale of their own goods, publications or from providing services.

Article 10.21 of the Code of Administrative Offences also establishes a penalty in the form of a fine for conducting sociological research by organisations that have not passed a special accreditation in the commission of the National Academy of Sciences of Belarus.

The legislation does not facilitate the participation of civil society organisations in the development and discussion of draft laws and regulations. Although the procedure for preparation of the national plan of legislative activity provides for the possibility for public associations (but not other forms of non-profit organisations) to put forward proposals to initiate the adoption of laws, this procedure is generally closed and does not work in practice due to the lack of access to information and the general undemocratic nature of the political system.

Thus, while the regulation of public associations has changed for the better over the past 10 years, many aspects still remain problematic. These aspects make the legislation



inconsistent with international standards, in particular the OSCE ODIHR Guidelines on Freedom of Association and the 1990 Copenhagen Document.

## **Practices that violate international obligations and national law**

The Belarusian authorities have continued to create obstacles to the registration of civil society organisations over the past 10 years. Between 2011 and 2021, the authorities refused to register dozens of public associations, including human rights ones.

Since the legislation in this sphere is rather vague, the grounds for refusals to register associations are technical inaccuracies, which are obviously removable. For example, failure to indicate the work or home phone number, mistake in the date of birth of one of the founders, bringing the founders of the organisation to administrative responsibility, execution of documents in the wrong font size, etc. Quite original refusals have also been used. For example, in 2016 the authorities refused to register the public associations Gender Partnership and Ruzha Gender Centre. The refusal was based on the fact that the statutory purpose — “countering gender discrimination” — was unlawful, as it did not fall within the competence of the public association. Subsequently, these refusals to register were recognised by the courts as legitimate.

One of the problems is the authorities’ lack of perception of civil society organizations as full participants of the decision-making process, in particular, through the initiation of adoption of normative legal acts, participation in discussion of bills, etc. The procedure of public discussion of draft laws is initiated by the state very rarely. Despite constitutionally guaranteed access to information, few civil society organisations are invited to participate in the discussion of draft laws. And even those who are invited to participate in discussions are usually not informed whether their recommendations have been taken into account.

The non-public nature of the discussion of draft laws affecting the interests of non-profit organisations remains. Despite the fact that the 2013 draft law on Introducing Amendments and Additions to Some Laws of the Republic of Belarus on the Activities of Political Parties and Other Public Associations was sent directly to non-profit organisations, its development was carried out without broad discussion with them. Proposals for a draft of this law, sent by the Legal Transformation Centre Lawtrend to the Parliament, were deemed inexpedient. The initiative of 25 non-profit organisations to hold special parliamentary hearings on improving the legislation on non-profit organisations, proposed on 16 July 2013, was also rejected. In autumn 2013, amendments to the Electoral Code, which significantly changed the election procedure, were adopted without prior publication of the draft law and without discussion with political parties and civil society organisations.

Between February and March 2017, Belarus experienced a wave of protests against Decree no 3 on Preventing Social Dependency. During the crackdown on the protests, the authorities returned to the harshest practices of repression. Detentions and arrests of activists were recorded, preventive detentions resumed, searches and confiscation of office equipment in NGO offices and activists' flats were carried out, and written warnings were issued to organisations whose members took part in the protests. Politically motivated criminal cases based on citizens' participation in civil society organizations appeared.

In 2021, Belarusian civil society organisations came under even more pressure and prosecution: discrediting in the state media, pro-governmental telegram channels, criminal cases against civil activists, mass check-ups, searches and detentions.

In practice, during the last year, Belarusian non-profit organisations were constantly denied registration for foreign donations (including NPOs that are regular recipients of such aid). Also, during autumn 2020-autumn 2021 these organisations repeatedly encountered inspections, and requests for information regarding foreign donations received by the Financial Investigations Department of the State Control Committee, internal affairs bodies, tax authorities and the Department for Humanitarian Activities. Defamatory statements about the recipients of foreign aid constantly appear at the level of the "higher authorities," as well as in the media, primarily at the republican level.

As part of a widespread crackdown on civil society, the Ministry of Justice initiated audits of various NGOs. As part of this vetting, NGOs had to submit a huge amount of documentation in an extremely short period of time (one to two to ten days). The situation was complicated by the fact that the offices of some organisations had previously been searched and the offices had been sealed. Thus, NGOs were unable to provide all requested documents in a timely manner. They notified the Ministry of Justice, explaining the situation and requesting a postponement. However, this was followed by warnings to submit all documents as soon as possible. Then lawsuits were filed for liquidation of the organisations on the grounds that the documents had not been submitted in full.

Altogether, at the initiative of the Ministry of Justice, executive committees and prosecutor's offices of various cities about three hundred NGOs were liquidated or are in the process of forced liquidation.

During 2021 many NGOs also came under pressure from the Department of Financial Investigations of the State Control Committee. Searches were often accompanied by detentions of staff members and were linked to the initiation of criminal proceedings on suspicion of financial crimes. For instance, the Grodno Children's Hospice, the Press Club journalistic workshop, the Office for the Rights of Persons with Disabilities, the NGO Radzislava and other associations faced harassment from the Department of Financial Investigations of the State Control Committee.

It is important to point out that since 2000 not a single political party has been registered in Belarus. All attempts ended with the refusal to register.

## **The authorities' response (or lack thereof) to practices that violate international human rights standards**

The Belarusian authorities traditionally refuse to recognise violations of international obligations and facts of non-compliance of national legislation with international standards.

In the context of the mass liquidation of NGOs Lukashenko declared: “So the Government and the Ministry of Foreign Affairs ran after “democracy” and created in our country <...> and we got about two thousand NGOs, NPOs, bandits and foreign agents in a small country. So, did we get democracy? Now we look back: this is a harm to the state! A clean-up is underway. Do you think it is easy? Thousands of people are already working there, our people, mostly with twisted, brainwashed for other people's money”<sup>6</sup>.

On 1 October 2021 A. Lukashenko suggested defining legislatively who in the country should be referred to the civil society. “We have already said it more than once. I have already put forward the idea several times. It seems to have taken root in society as far as it is possible. What is civil society in Belarus? It is time to adopt a law and spell out that our civil society is not NGOs, NPOs, and other trash. Instead, we have public organisations. And it should be spelt out which ones. We have trade unions, Belarusian Republican Youth Union, we have veterans' and women's organisations. These have proven [themselves] as a real civil society. They are mass and they are the pillars of our society”<sup>7</sup>.

## **Current status**

The thaw that began in 2016, was characterised by extensive, albeit formal, involvement of civil society organisations in the decision-making process — an invitation to events to discuss draft laws, periodic reporting under UN mechanisms, implementation of the National Human Rights Plan — actually ended in 2020, when the authorities launched a large-scale attack on civil society organisations and civic activism. By the autumn of 2021, the authorities had dismantled some 300 civil society organisations. The process of

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6) From nuclear security to increasing exports — Lukashenko convenes a meeting with the leadership of the Council of Ministers // BELTA, 22 July 2021 URL: <https://www.belta.by/president/view/ot-jadernoj-bezopasnosti-do-narashchivaniya-eksporta-lukashenko-sobral-soveschanie-s-rukovodstvom-451617-2021/>

7) «Not NGOs, NPOs and other trash.” Lukashenko proposes to legally define civil society // BELTA, 1 October 2021. URL: <https://www.belta.by/president/view/ne-npo-nko-i-prochaja-drjan-lukashenko-predlagaet-zakonodatelno-opredelit-grazhdanskoe-obschestvo-462482-2021/>

NPO liquidation was accompanied by a campaign of discrediting in the state media and pro-government telegram channels, which was built on the widespread use of hate speech. Currently, human rights defenders and civil society activists continue to be imprisoned for their human rights and social activities.

# 4. Imprisonment, detention and torture

## Brief overview of the main international obligations

Belarus is a party to the main international treaties containing obligations for the proper implementation of the right to the humane treatment of persons deprived of their freedom, to prevent torture and ill-treatment. Such documents include the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. At the same time, Belarus has not acceded to other international treaties, in particular to the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; to the Optional Protocol to the Convention against Torture, which provides for international and national mechanisms to prevent torture in detention; and also to regional treaties in this sphere such as the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and others.

## National legislation not in line with international obligations

The main problems of the national legislation in this area are the following:

1. despite the fact that in 2015, Article 128 of the Criminal Code of Belarus (Crimes against the Security of Mankind) was supplemented with a note, which defines the concept of torture in accordance with the understanding of the Convention, national legislation does not enshrine torture as a separate and specific crime. The existing

articles in the Criminal Code do not cover the whole range of acts of torture and their purposes, which makes it impossible to say that these articles establish responsibility for all acts of torture, as required by Article 4 of the Convention;

2. the legislation does not provide for an independent monitoring mechanism to assess whether a person detained on suspicion of having committed an offence has all fundamental legal safeguards from the moment of detention;
3. the Criminal Procedure Code of the Republic of Belarus as well as other acts of legislation do not suspend persons against whom there is an allegation of torture for the duration of the investigation;
4. no legal provision stipulates that in every case where a person alleges that a confession has been obtained through torture, the case shall be suspended until the allegation is thoroughly investigated;
5. the legislation provides for the possibility of a medical examination of a detainee, but does not automatically guarantee a mandatory and independent medical examination at the request of the detainee and leaves access to medical care to the discretion of law enforcement officials. A visit by an independent doctor to a prisoner may take place with the arbitrary permission of the administration of the institution or the Department of Corrections of the Ministry of Internal Affairs of the Republic of Belarus. When a prisoner is admitted to a place of detention, an examination by a medical officer on the staff of the internal affairs bodies is envisaged.

## **Practices that violate international obligations and national law**

The growing number of prisoners (28,471 in 2013, 35,200 in 2016 and around 32,000 in 2020) is accompanied by increased overcrowding in places of detention and, consequently, deteriorating detention conditions.

Medical care for prisoners is poor and access to a medical professional for medical assistance is difficult. There is no national prison hospital that meets modern requirements. The construction of a prison hospital has been underway since 2010 and has been extended until 2021.

Politically motivated prisoners face prejudicial attitudes by the prison administration and are therefore denied early release and amnesty reduction of sentences.

The process of appealing against disciplinary sanctions is ineffective. Court appeals follow the rules of civil procedure and involve payment of a state fee in an amount comparable to the monthly income of the prisoner. Cases are usually heard by the court in the absence of prisoners.

Law enforcement officials use torture and ill-treatment to extract confessions from suspects and such confessions are used as evidence in court.

No national preventive mechanism has been established in Belarus. Complaints from convicts and detainees are usually handled by the agency in charge of the place of isolation. In rare cases, the Investigative Committee conducts investigations. Even direct suspects of torture and ill-treatment are not suspended from duty during the investigation. Cases of torture and ill-treatment are almost always left uninvestigated and the Investigation Committee lacks the necessary independence to effectively investigate such allegations.

The medical units that are supposed to document the injuries of prisoners are structurally part of the penitentiary system, so they have no interest in pursuing a case of prisoner beatings.

## **The authorities' response (or lack thereof) to practices that violate international human rights standards**

Representatives of the authorities and law-enforcement agencies did not make public statements condemning torture, and in some cases, even expressed informal approval. For instance, in November 2012, a citizen of the Republic of Belarus V. Sorochyk was tortured and beaten for about six hours by police officers who tried to force him to take the blame for crimes he had not committed. At a press conference, the de facto head of state Alexander Lukashenko said that he lost interest in the case because the policewoman was beating the man. Thus, at the highest state level, such actions of the police officers were not condemned due to the fact that they were carried out by a woman. By doing so, the head of state publicly demonstrated his indifference to torture.

In early December 2014, Lukashenko stated that it was necessary to toughen the punishment for drug distribution and create special colonies with the harshest possible conditions for drug traffickers. Some convicted drug traffickers attempted suicide due to the unbearable conditions created especially for them. For instance, Yegor Protasenya, convicted in December 2015 to 14 years for drug trafficking, attempted suicide in Zhodzina prison. According to his mother, Sviatlana Protasenya, her son started writing about his intention to commit suicide soon after his arrest, and during meetings with his mother he told about the torture committed by operatives: they put a gas mask on him and cut off his air supply, threw darts in his back, held a syringe with an unknown liquid near his vein and threatened to inject him if he did not confess, beat him up. The prison administration knew about Protasenya's suicidal tendencies, since all correspondence sent by prisoners is censored by the administration, but kept him in solitary confinement and eventually allowed the suicide attempt. Yegor Protasenya died on 29 March 2016 without coming out of his coma.

In June 2016, the head of the Department of Corrections announced that the detention of those convicted of drug distribution would be “toughened” .

Following the mass torture of detainees for their participation in the 9-13 August 2020 protests at the Criminal Detention Centre in Minsk and the ensuing wave of public outrage, the authorities tried to justify themselves. For example, after the visit to the Criminal Detention Centre, Deputy Interior Minister Aliaksandr Barsukau denied using violence against detainees and arrestees, stressing that they had not been beaten in their cameras. The latter was largely true: the beatings took place in other premises and in the Criminal Detention Centre’s yard, of which the official was apparently aware.

Yuri Karayev, then Minister of the Interior, said in several interviews that he was aware of the beatings of the detainees, including those who had been detained accidentally. On 13 August 2020, during a broadcast of the programme Markov. Nothing Personal on ONT, Karayev commented on the actions of the security forces on 9-12 August 2020. He stated that he was taking responsibility for the injuries of random people and also offered a kind of “apology” to those who happened to be in the area of the protests. When asked by the presenter about the fate of these random people, Yuri Karaev said, “They have cooled down a bit there. We don’t even always start an administrative process,”<sup>8</sup> thus emphasising the arbitrary nature of detention. Finally, Karayev compared the protests in Belarus to the situation in Nagorny Karabakh in the 1990s and urged citizens not to take to the streets.

In an interview with TUT.by on 16 August 2020, the Interior Minister promised to “sort out all cases of violence and excesses of power by security forces, when “everything calms down”: “Escalation came from both sides. When they shoot down their own guys, the equanimity starts to change. This is very bad, I am against it. It shouldn’t be like that. All cases will be dealt with. Not now, but when things calm down. Should I demoralise the police to please someone now?”<sup>9</sup>

Alexander Lukashenko, speaking to Channel One correspondent Anton Vernitskiy in an interview with Russian media, denied the facts of torture: “They got it on Akrescina, but who did? The biggest contradiction between “convicts” and “cops” is that they hate each other. And Akrescina got a lot of what I call “urki” [slang: criminals], 12 times convicted and so on. So when they were drunk and stoned, and there were 60 per cent of them, they attacked these guys [the security guards at Akrescina], and of course, they got hit back. And of course, someone was defending someone, they got beaten up. But not the OMON, there were no OMON guards on Akrescina.”<sup>10</sup>

He also said that “some girls had blue paint on their buttocks” and that “we can show these images.” “Well, yes, some had blue backs too. But today the bruises are gone. But

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8) Karayev: no need to escalate and provoke the situation // Naviny.by, 14 August 2020 URL: <https://naviny.online/new/20200814/1597377196-karaev-ne-nado-obostryat-i-provocirovat-situaciyu>

9) Interior Minister Yuriy Karayev: We will sort it out when things calm down // pressreader.com: 18 August 2020 URL: <https://www.pressreader.com/belarus/komsomolskaya-pravda-belarus/20200818/281651077473403>

10) Lukashenko: OMON saved us from a blitzkrieg // Naviny.by, 9 September 2020 URL: <https://naviny.online/new/20200909/1599662430-lukashenko-omon-spas-nas-ot-blickkriga>



39 or 40 guys from OMON who were beaten up and with their spines broken are still in the hospital.”<sup>11</sup>

RT editor-in-chief Margarita Simonyan did go back to talking about Akrescina, pointing out that in addition to the “urki” there were journalists, including from her company, who were beaten, not fed, not given water. To which Lukashenko replied: “Shall we just turn the page? You think I don’t know? I’m forced to weigh in. Yes, and there have been excesses. And Karayev apologised twice. I said: apologise, apologise once, if there was something there. He apologised twice. We have to turn this page. And come back when the emotions have calmed down. We’ve made our conclusions. Do not think that we are made of stone. We’ve made our conclusions. It’s very rude to say, “splinters will fly when the axe you ply.” I’m not saying that anywhere. But in life it always happens so that when there is this big fight... But the fact that we have saved the republic, saved the country, saved stability... So I think, yes, not without costs.”<sup>12</sup>

One year later, Alexander Lukashenko called the allegations of torture at the Criminal Detention Centre in Minsk in 2020 a fake. He said this on 9 August 2021 during the Big Talk with the President — a meeting with journalists, members of the public, experts and the media community. “Let me answer about the torture at Akrescina. This is a fake. It is not true. Look, why would they be tortured? There was no investigation there. Why torture people there? And if there were anyone there with bruises, they got them in the street, when they rushed on the internal troops and OMON,” said Lukashenko, “They were detained afterwards. In this building, on the premises of Akrescina, there was no such need. There was no torture there. You all came up with it because you had to come up with it.”<sup>13</sup>

Some time later, on 26 August 2021, the Investigative Committee issued a statement. The statement from the press service of the Investigative Committee about the refusal to initiate criminal proceedings into the mass torture in August 2020 noted that “during the inspection, there was a controlled pattern of applications from persons who were injured during the suppression of mass riots by law enforcement officers, as well as during the arrest of offenders, their delivery, confinement in isolation and suppression of illegal behaviour, overcoming resistance and further disobedience. The evidence collected, including video recordings by the Ministry of Internal Affairs, makes it possible to establish that officers used physical force and special means when suppressing offences in accordance with the requirements of the Act on the Internal Affairs Authorities and other laws and regulations of the Republic of Belarus. The means and methods chosen by the law enforcement officers were proportionate and applied with the intention of causing the least harm in the prevailing situation. The statements disseminated by certain, later

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11) Ibid.

12) Ibid.

13) Lukashenko calls allegations of torture on Akrescina Street in Minsk a fake // Belta, 9 August 2021 URL: <https://www.belta.by/president/view/lukashenko-nazval-fejkom-zajavlenija-o-pytkah-na-ul-okrestina-v-minske-454550-2021/>

recognised as extremist, telegram channels about the alleged abuse of power, expressed in torture and sexual harassment, have not found objective confirmation, including from the applicants' own explanations.”<sup>14</sup>

The Investigative Committee also noted that “the overwhelming majority of the applicants are citizens under 30, unemployed, self-employed and students. Some of them have previously been held administratively and criminally liable, including for violent crimes. In addition, during the inspection dozens of persons were identified who deliberately and knowingly violated public order, creating all conditions for officers to use physical force and special means against them. The purpose of such actions was a subsequent departure for permanent residence in the European Union after the application. The documented fact of application was used as a fictitious tool to obtain ‘political asylum’ in other countries.”<sup>15</sup>

Thus, neither the de facto head of state, nor the Prosecutor General's Office, nor the Interior Ministry made a single public and unambiguous statement condemning the use of all forms of torture, nor did they clearly warn that anyone involved in such actions would be held personally criminally responsible for it. This does not contribute to the inevitability of punishment for such crimes, but, on the contrary, actually frees the hands of law enforcement officials for further widespread use of torture in Belarus.

## Current situation

Torture, violence and cruel treatment continue to be used in Belarus. In 2020, in response to mass protests by Belarusian citizens who disagreed with the rigging of the presidential election, the authorities resorted to mass torture of detained protesters. According to official data, the units of the Investigative Committee of the Republic of Belarus have received almost 5,000 appeals and reports of police violence since 9 August 2020, with more than 3,600 of them in Minsk.

However, during 2020-2021 mass torture was never investigated. As of 12 November 2021, no information is available on the initiation of criminal proceedings for torture or criminal cases for deaths during protests. On 26 August 2021 the Investigative Committee issued a ruling not to institute criminal proceedings in respect of 680 allegations of torture in the Criminal Detention Centre and Temporary detention centre of the Central Internal Affairs Directorate of the Minsk City Executive Committee. The applicants have no possibility to get acquainted with the ruling not to institute criminal proceedings and the materials of the investigation because they contain “information constituting state secrets.”

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<sup>14</sup>) The Investigative Committee has completed its verification of the allegations of persons detained in the Criminal Detention Centre and Temporary detention center of the Central Internal Affairs Directorate of the Minsk City Executive Committee // Website of the Investigative Committee of the Republic of Belarus, 26 August 2021. URL: <https://sk.gov.by/ru/news-ru/view/sledstvennym-komitetom-zavershena-proverka-po-zajavlenijam-lits-soderzhavshixsja-v-tsip-i-ivs-guvd-10343/>

<sup>15</sup>) Ibid.

The investigations carried out do not meet the standards of the investigation into allegations of torture, such as speed, thoroughness, independence, access of victims to the investigation and publicity.

Torture, violence and cruel treatment continue to be inflicted on protesters today. The authorities deliberately create inhumane conditions in places of detention for political detainees and arrestees: they do not give sleeping gear, deprive them of parcels, citing the need to prevent the spread of COVID-19, and keep them in overcrowded cells when other cells are free, etc.

# 5. Elections, restriction of the field of public politics

## **Brief overview of the main international obligations**

Belarus has signed and ratified international and regional documents relating to the conduct of democratic elections. These include the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Convention against Corruption (UNCAC). In 2014, Belarus acceded to the Commonwealth of Independent States (CIS) Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms. Belarus is an associate member of the Venice Commission and a member of the Council of Europe Group of States against Corruption (GRECO). In 2016, Belarus ratified the Convention on the Rights of Persons with Disabilities (CRPD) in line with a previous ODIHR recommendation.

## **National legislation not in line with international obligations**

The legal framework governing parliamentary elections includes the 1994 Constitution (last amended in 2021) and the 2000 Electoral Code (last amended in 2015).

The Electoral Code (EC) of Belarus has been amended three times since 2010: in 2011,

2013 and 2015. Following the 2008 parliamentary elections, recommendations to reform the Belarusian electoral legislation were developed by national observers as well as by OSCE ODIHR mission observers. Some of these recommendations were embodied in the new version of the EC, adopted on 4 January 2010. The main ones are as follows:

- the bodies that form the commissions, as a rule, form at least one third of their members from representatives of political parties and other public associations; judges, prosecutors, heads of local executive and administrative bodies cannot be included in the commissions; civil servants cannot constitute more than one third of the commission;
- the number of citizens (from 30 in the old version of the EC to 10 in the 2010 version) that may nominate a representative to the district election commissions has been reduced; the number of members of the labour collective that can delegate a representative to the commission has also been reduced (from 30 to 10);
- the right of the entities that have nominated their representatives to the commissions to attend the meetings of the bodies that formed them has been enshrined;
- a declarative procedure has been established for candidates and their proxies to hold public events in places determined by local executive and administrative bodies;
- if a political party nominates a candidate for the House of Representatives of the National Assembly, there is no requirement for the party to have an organisational unit within the territory of the constituency for which the candidate is nominated;
- decisions of the bodies that set up commissions are open to judicial appeal by the entities that nominated their representatives to the commissions;
- the House of Representatives of the National Assembly candidates were granted the right to establish their own election funds to finance additional campaign expenditures up to a maximum of one thousand basic values.

Changes and amendments to the EC were mostly positive and, as noted, partially addressed the recommendations of OSCE ODIHR experts. However, many recommendations remained unimplemented, in particular those aimed at enhancing the transparency of the electoral process. For example, regulations to ensure an open public vote count were not enshrined. The obligation of the chairperson and secretary of the election commission to issue copies of the results protocol to those persons entitled to be present during the vote count in the polling station was not enshrined. Deficiencies in the regulation of those procedures of the electoral process that are most vulnerable to rigging and abuse persisted. Changes to the EC, adopted in 2013 and 2015, affected the procedure for public funding of campaigning, introduced the institution of observer accreditation, and provided for another level of election commissions — oblast, Minsk city, and territorial election commissions, which are to manage the activities of district and precinct election commissions, consider complaints against their decisions, and establish the election results of deputies in Minsk city and oblast.

Political parties that have nominated parliamentary candidates can now send their representatives to election commissions with a deliberative vote. At the same time,

administrative liability was introduced for calling for an election boycott. A ban has been introduced on the registration of initiative groups to nominate presidential candidates by persons in detention or serving prison sentences.

Thus, the changes adopted over the last 10 years, while having some positive effect, have not touched the vote count stage, where vote rigging traditionally takes place.

The EC amendments of recent years did not take into account most of the recommendations made by the OSCE and the Venice Commission following their observation of previous elections. These recommendations have not lost their relevance today. The practice of the Belarusian election campaigns shows that without detailed regulation of the procedures for forming the EC, voting and counting of votes, it is impossible to ensure elections that would meet international standards for free and fair elections, in particular the 1990 OSCE Copenhagen Document.

## **Practices that violate international obligations and national law**

Electoral campaigning practices in Belarus show serious shortcomings that make it impossible to talk about fair and honest elections. Among the numerous shortcomings of election campaigns, the following main problems can be highlighted and briefly described:

1. executive committees traditionally apply a discriminatory approach to representatives of opposition parties in the formation of election commissions. In essence, those who represent opposition political parties are excluded from the work of electoral commissions, which are formed exclusively from representatives of pro-government organisations;
2. during electoral campaigns administrative resources are widely used: starting with the process of forming election commissions and the campaign to collect signatures for pro-government candidates, ending with the total use of state media exclusively to promote pro-government candidates and discredit the opposition, as well as forcing students, employees of state enterprises and state-financed organisations to vote early;
3. voter lists at polling stations remain closed to observers. A unified voter register has not been created, which creates conditions for manipulation of turnout;
4. the practice of early voting is one of the systemic problems of the electoral process, creating wide opportunities for the use of administrative resources and other manipulations;
5. the filing of complaints and appeals is an ineffective means of protecting the electoral rights of presidential candidates, other election participants and observers. The Electoral Code establishes a limited list of cases in which electoral decisions can be appealed to the courts. There is no judicial appeal, including against the final decision of the Central Election Commission to establish the election results, which is legal nonsense;

6. the authorities consistently violate international standards for democratic elections in terms of holding elections periodically within a reasonable timeframe. Thus, the 2019 parliamentary elections took place approximately one year before the expiry of the mandate of the current House of Representatives (the lower house of the Belarusian parliament). Since there were no grounds for early termination of the Parliament's mandate provided by the Constitution of Belarus, and the four-year term of its current deputy corps had not yet expired, the presidential decree on the appointment of the parliamentary elections violated the constitutional norm on the term of office of the Parliament and essentially became an interference in the activity of the legislative body. The significant reduction in the term of office of the House of Representatives reduced the number of sessions of the Belarusian legislature;
7. in 2021, it was decided to de facto postpone local elections, which were to be held in Belarus in January 2022. The postponement of the elections was formalised by the Belarusian parliament's hasty introduction of amendments to the Constitution. Such actions were caused by the unwillingness of the Belarusian authorities to conduct an electoral campaign during an intense socio-political crisis. The holding of the elections to the local councils of deputies, in the opinion of the authorities, could lead to a new outbreak of confrontation between people who disagree with the rigged presidential election in August 2020.

## **The authorities' response (or lack thereof) to practices that violate international human rights standards**

The Belarusian authorities have traditionally argued that the election legislation and its implementation practices meet international standards for free and democratic elections, despite the fact that both OSCE ODIHR and domestic observation missions have consistently highlighted serious shortcomings in the election legislation and its implementation practices.

In 2016, on behalf of Alexander Lukashenko, an inter-agency expert group was established to examine the OSCE ODIHR recommendations and to consider their implementation in the electoral process. As a result of this group's work, only two proposals out of 30 OSCE ODIHR recommendations were taken into account. Eventually, the work of the inter-agency group was phased out. Thus, no changes and amendments were made to the Electoral Code.

## Current status

The election campaigns in Belarus over the past 10 years have failed to meet a number of key international standards for democratic and free elections. This is due to the lack of equal access to state media for all candidates, the absence of unbiased election commissions, the use of administrative resources in favour of pro-government candidates, the numerous facts of coercion of voters to participate in early voting, the closed nature of some election procedures for observers. The vote count procedures are not transparent to observers, which gives rise to serious doubts about the consistency of the results of such counting with the real expression of the will of the voters.

The most recent election campaign, the 2020 presidential election, took place in an atmosphere of fear and public intimidation, against a backdrop of sustained repression. As a result of the repression, over a thousand citizens were subjected to administrative detentions, hundreds were arrested or fined. Criminal proceedings were initiated against 23 persons, including direct participants of the election campaign (members of initiative groups, persons nominated as candidates, as well as bloggers and participants of peaceful protests and pickets to collect signatures).

Significant violations of the law and the fundamental principles of elections, including the fact that observers were deprived of the opportunity to see the vote count, all this does not give credence to the results of the 2020 presidential election announced by the Central Election Commission. These results cannot be regarded as reflecting the real will of the citizens of the Republic of Belarus.



