



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Analytical report on election campaigning

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

SUMMARY

- The referendum and related events remain out of the attention of the general public. The attitude to the referendum is characterized as “indifferent and hostile” and a tendency to boycott is noted. Among the reasons for such an attitude are the general tense atmosphere in society due to the COVID-19 epidemic, the continuous repression against citizens, the constant rise in food prices. At the same time, the referendum on the adoption of the revised Constitution is actively covered on television, radio, and in pro-government Telegram channels. Another topic of people's concern is the Russian military contingent, which remains in Belarus and participates in the military operation against Ukraine.
- The referendum took part against a backdrop of repression against civil society and participants in the peaceful assemblies after 2020.
- Mass events during a referendum can only take place when authorized by the government; independent structures' ability to hold campaigning events is strongly restricted. Legislative restrictions on public campaigning during the referendum, as well as general restrictions of mass events by opposition movements and ordinary citizens, make it impossible to extensively use rallies to campaign during the referendum.
- Official activities dedicated to the referendum are being arranged all over the country. They include meetings with heads of regional executive committees, deputies of all levels, etc., discussions, concerts at enterprises, public campaigns.
- It is known about numerous facts of the use of administrative resources during the campaign.
- No equal conditions for supporters and opponents of the referendum on campaigning are ensured.
- In several cities, preventive detentions of opponents of the draft Constitution submitted to referendum, public activists, and peaceful assemblies of 2020 participants were carried out.
- There were cases of persecution of citizens who tried to take part in monitoring.

I. LEGAL FRAMEWORK

According to Part 4 of Article 45 of the Electoral Code, citizens, political parties, other public associations, and worker's associations have the right to freely campaign for a referendum proposal, for the adoption of a proposal submitted to a referendum, as well as against a referendum proposal, and the adoption of a proposal submitted to a referendum.

Mass events aimed at campaigning for a referendum are held under the legislation of the Republic of Belarus on mass events. This means that a simplified procedure used for mass events during

other election campaigns is not applicable, and the organizers of events during the referendum must submit an application for holding a mass event at least 15 days before the intended date of the event. Thus, the above-mentioned legislation, as well as general restrictions of mass events by opposition movements and ordinary citizens, make it impossible to extensively use rallies to campaign during the referendum.

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

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

According to Article 47 of the Electoral Code, campaigning that advocates war, contains calls for violent change of the constitutional system, violation of the territorial integrity of the Republic of Belarus, insults, and slander of Belarusian officials, as well as calls that encourage or aim to encourage disruption, cancellation or postponement of elections, referendums, appointed in compliance with legislative acts of the Republic of Belarus, are prohibited.

It is prohibited to agitate or promote social, racial, national, religious, or linguistic superiority, the production and distribution of messages and materials that incite social, racial, national, or religious hatred is prohibited.

Upon holding a referendum campaign citizens and organizations are prohibited to distribute money, gifts, and other material values, to sell goods on preferential terms, to provide any services and goods free of charge, except for printed campaign materials specially produced in compliance with the four requirements of the Code for holding a referendum. When campaigning for a referendum, it is forbidden to affect citizens by promising to give them money or material values.

In case of violation of this Article, the relevant commissions shall take measures to stop violations, and the Central Commission, territorial, and district election commissions shall also have the right to cancel the candidate's registration decision.

II. ACTIVITIES IN SUPPORT OF THE DRAFT CONSTITUTION PUT TO REFERENDUM AND MASS EVENTS

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

Official campaigning was aimed solely at approving participation in the referendum and supporting the changes on the ballot. For example, on February 8, Brest officials launched the “Young People's Opinion” project¹. The project aimed to demonstrate the active participation of young people in the Brest region in the referendum discussion. Polatsk State University hosted a meeting with Paralympic athlete Aliaksei Talai², who was involved in the drafting of amendments to the Constitution³.

Numerous concerts in support of the draft Constitution submitted to the referendum were planned at state enterprises in Minsk. At the Mogilevtransmash, one of the largest enterprises in the Mahilioŭ region, there was a concert for the workers with appeals to come and vote in support of the proposals to change the Constitution.

On January 24, Yuri Karayeu, Lukashenka's aide and Hrodna region inspector, had a meeting with the medical workers of Shchuchyn district; on February 14 he met employees of Hrodnakhlebpram, bread, confectionery, and bakery producer. At the end of the meetings, everyone was encouraged to participate in the referendum and vote for the new Constitution.

Also, dialogue platforms with members of parliament and Vadzim Hihin, chairman of the Belarusian Society Znanie, were held at the Homiel State Medical University, the Hrodna State Agricultural University, and Yanka Kupala State University of Hrodna.

On February 18, Uladzimir Karanik, chair of Hrodna Regional Executive Committee, and Iryna Kiturka, rector of Yanka Kupala State University, held a meeting of the dialog platform “Constitution—to the future together” with the students of the law department. In Žlobin, similar campaign meetings were held at the Belarusian metallurgical plant, a furniture factory, a clothing factory, a communal enterprise, and other enterprises of the city.

Similar meetings were also held in Salihorsk. In Svetlahorsk and Svetlahorsk district, campaign events were held at the Pulp and Paper Mill, synthetic fiber plant Khimvalakno, Communal Housing and Operational Unitary Enterprise Svetach and in schools.

In Barysau, a meeting was held at the district house of culture to advocate for the changes put to vote with the participation of all state local structures, officials from Minsk, and propagandists⁴.

On February 2, the workers of the peat enterprise Bierazinskaje met with the chairman of the district executive committee Dzianis Dzishuk. He inspected the peat plant, praised its order, and listed the achievements of the government, in particular, that the state pays a lot of attention to the health of citizens, social policy. He finished his speech with the thesis that “the future of the country depends on every citizen now. After that, the chairman of the District Deputy Council Viktor Lashkouski took the floor. He spoke in detail about the innovations in the electoral system and the status of the All-Belarusian People's Assembly. When those attending the meeting started asking questions, it turned out that people were primarily concerned not with the referendum, but

¹ <http://brest-region.gov.by/index.php/novosti/13540-proekt-mnenie-molodykh-nabiraet-oboroty-v-brestskoj-oblasti>

² <https://www.novaya.by/2022/02/22/v-polockom-gosuniversitete-proshla-vstrecha-studentov-i-shkolnikov-s-mnogokratnym-rekordsmenom-mira-i-evropy-obshhestvennym-deyatelem-i-biznesmenom-alekseem-talaem/>

³ <https://minsknews.by/na-mmz-imeni-s-i-vavilova-proshel-konzert-v-podderzhku-predstoyashhego-referenduma/>

⁴

https://www.tvr.by/news/obshchestvo/dialogovaya_ploshchadka_v_ramkakh_proekta_v_rezhime_pravdy_sostoy_alas_v_borisove_/

with road repairs in the city and district, as well as snow clearing of roads in the countryside. Taking the opportunity, the workers asked the head of the district when Čyrvonaarmiejskaja Street would be asphalted and when the balconies in the houses on Majakoŭski Street in Bierazino would be repaired⁵.

Some official events were aimed at discrediting the independent monitoring. In Minsk, a campaign “I’m not afraid” was launched, in which observers from pro-government organizations talk about threats they allegedly receive from activists of the Honest People initiative.

Mass events were held only upon the approval of the authorities. Independent structures had no chance to hold them.

The Belarusian Republican Youth Union, which is the moving force behind the organization and preparation of the referendum, started the agitation action “#raZam na referendum” (“Together to the referendum”), promoting the amendments to the constitution. On February 9 the Belarusian Republican Youth Union committee of Maskouski District of Minsk reported about the action in one of Minsk schools. Experts of the campaign “Human Rights Defenders for Free Elections” spotted in the photo, among others, elementary school children (about the age of 8–9 years) with campaign materials on the referendum. It is not known whether the parents' consent was obtained for the use of children in the referendum campaign.

III. USE OF ADMINISTRATIVE RESOURCES

It is known about numerous facts of the use of administrative resources for campaigning. For example, in the Svetlahorsk district workers were brought to the club in companies' vehicles in order to ensure their attendance at campaign meetings. Meetings in work collectives of state organizations were held during working hours. Thus, on January 26, in the assembly hall of the Department of Internal Affairs of Hrodna Regional Executive Committee, the draft changes and additions to the Constitution of the Republic of Belarus were discussed during the working hours in the presence of the heads of services and departments. On February 18 in Orša, presidential aide A. Linevich held a meeting on the issue of the referendum with the workers of Oršagas and the machine-tool plant Krasny Borets during working hours.

Similar measures were used to stimulate early voting. For example, on February 22, Brest State University started the action “BrSU for the referendum!”⁶. Students who voted early were given sweet “gifts” by the university and the students' trade union committee. BSMU students were offered an extra day off on Friday, February 25, for participating in early voting. At BNTU, the dean's office offered students days off from February 25 to 28 if the entire class voted early⁷.

Furthermore, the recent case when educational institutions received fake letters ostensibly on behalf of the pro-governmental public association Belaya Rus. In this letters, administrators were invited to participate in the action “Let's defend the referendum” to “counteract destructive forces that are trying to disrupt the referendum” and take pictures with unified posters is evidence of the wide use of administrative resources⁸. The idea was carried out by teachers from dozens of educational institutions, where, among others, the polling stations are located, and later it turned out that it was the initiative of a private person.

⁵ <https://referendum2022.spring96.org/be/news/106705>

⁶ <https://zarya.by/news/community/v-brestskom-universitete-startovala-akcija-brgu-za-referendum/>

⁷ <https://news.zerkalo.io/life/10377.html>

⁸ <https://reform.by/297213-prankery-predlozhili-uchiteljam-zashhitit-referendum-v-fejkovom-fleshmobe/>

IV. ENSURING EQUAL CAMPAIGNING OPPORTUNITIES FOR SUPPORTERS AND OPPONENTS

Due to the ongoing repressions in Belarus, it is impossible to speak about equal conditions for proponents and opponents of the referendum to campaign. There is a general atmosphere of apathy and fear in society. The state media only cover the activities of the supporters of the draft constitution submitted to the referendum and express only their position.

V. POSTING CAMPAIGN MATERIALS DURING THE REFERENDUM

Although according to the law, when holding a referendum, local executive and administrative bodies shall allocate the most prominent places at polling stations for posting campaign materials, this norm was not implemented. Local bodies, as it is noted, did not make relevant decisions, or at least these decisions were not published. In addition, the schedule of organizational activities for the preparation and holding of the national referendum on amendments and additions to the Constitution of the Republic of Belarus did not provide for such decisions.

VI. PERSECUTION OF OPPONENTS OF THE REFERENDUM-DRAFTED CONSTITUTION

Opponents of the draft Constitution put to the referendum, public activists, and participants of peaceful assemblies in 2020 were preventively arrested in several cities. Baranavičy inter-district prosecutor's office invited activists and ordinary citizens, who had been previously prosecuted under administrative articles, for preventive conversations and to sign warnings. Some of them were visited by district police officers for a conversation.

During the last week, two searches were conducted in the apartments of activists in Orša, followed by confiscation of equipment and documents. If campaigning against participation in the referendum or the draft constitution is revealed, citizens are subjected to administrative liability.

In addition, the Ministry of Internal Affairs reported nine criminal cases brought in connection with the referendum. On February 20, the pro-governmental TV channel ONT aired footage of the arrest and told about 9 leaflets, which were allegedly sent to members of election commissions, and said “Teachers! Count the votes in the referendum honestly. Otherwise, be afraid! We will come to you and hold you accountable”.

Cases of persecution of activists who tried to take part in monitoring were registered. For example, in the village of Čonki, Homiel district, Mikalai Sushkou tried to register as an observer at the Precinct Election Commission (PEC). He collected signatures and submitted them to the PEC, but some time later he received a phone call inviting him to come and “properly reissue the papers”. As it became known later, Mikalai Sushkou was detained. He is currently serving an administrative arrest. A similar incident occurred in Mazyr. Alena Shatsila was registered as an observer at polling station No. 15, located in the district library. The independent observer was deprived of her accreditation and called for a “talk” to a local police station.

In Svietlahorsk, active citizens were called for interrogation to the district department of the Investigative Committee on the eve of the referendum announced by the authorities to amend the Constitution. Those who were subject to administrative prosecution after the presidential election in 2020 received requests to appear for interrogation. These citizens had been requested for such interrogations before.