



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

The situation on the eve of the elections*2025. The first report of the "Human rights defenders for free elections" campaign

*The expert elections*2025¹ monitoring mission was organized by the Belarusian Helsinki Committee and the Viasna Human Rights Center as part of the "Human Rights Defenders for Free Elections" campaign. The mission collects and analyzes information about the election campaign based on open sources and messages from voters from Belarus.*

CONCLUSIONS

The next, seventh, presidential elections* in Belarus have been scheduled by the House of Representatives for January 26, 2025, amid a deep human rights crisis caused by repression following peaceful protests against fraud in the 2020 presidential elections. This repression persists and even intensifies to this day: the authorities continue to arbitrarily persecute candidates, members of campaign teams and initiative groups, observers, activists and simply concerned citizens who have supported the nomination of independent candidates with their signatures. The discriminatory rhetoric of the authorities, who have declared people who do not share pro-government narratives as "enemies", persists and intensifies.

By suddenly calling elections* six months before the expected date and leaving 95 days for the entire procedure, the authorities once again instrumentalized electoral procedures, adjusting the election date to political objectives, thereby violating electoral legislation from the point of view of equality of opportunity for candidates and the principle of election predictability stipulated by international electoral standards.

Conducting a free and open election campaign is impossible in a situation of ongoing political terror: the list of political prisoners is updated weekly and there are consistently more than 1,300 people in it. The information space has been entirely purged; nearly all independent media outlets have been forced out of the country, and the distribution of their materials from abroad is severely hindered by politically motivated misuse of anti-extremist legislation. The "state ideology" serves the cult of authoritarian rule of A. Lukashenka. There is no recognition of the importance of political pluralism in the public field.

The incredible pressure on civil society organizations, especially human rights organizations, and their widespread liquidation exclude civilian control over the conduct of elections. There is no independent civilian monitoring of the elections within the country; at the moment, only the politically biased international election observers are invited.

¹ The term "elections*" in relation to the 2025 election campaign is used with an asterisk by the "Human Rights Defenders for Free Elections" campaign to emphasize the perfunctory nature of this term, since any free and fair election campaign presupposes, first of all, conditions where rights and freedoms are fully realized, including freedom of speech, freedom of peaceful assembly and association, the right to take part in the conduct of public affairs, freedom from discrimination, which is currently practically absent in Belarus.

In such conditions, it can be ascertained that it is impossible for citizens to exercise their electoral rights freely.

LEGAL BASIS

The legislative framework of the 2025 elections* itself sets excessive limits for a new electoral campaign. First of all, the constitutional amendments of 2022 have narrowed the range of actors who can take part in electoral processes, taking into account the social and political situation described below:

- for having *passive suffrage*, the age limit has been raised, the residency requirement has been increased, and a filter has been introduced regarding the presence of a foreign residence permit or a similar document of a foreign state: a presidential candidate can now be "a person at least 40 years old, who has the right to vote, who has been permanently residing in the country for at least 20 years immediately before the election, who has not had citizenship of a foreign state, a residence permit, or another document of a foreign state that entitles them to benefits and other advantages."² This norm, as currently formulated, makes it impossible to run for president not only for citizens who have ever lived abroad and obtained a residence permit or similar document to legalize their status, but also, in particular, holders of the Pole's card, which is considered by the authorities as a marker of potential disloyalty and serves as a basis for restricting a number of rights³. In addition, citizens who have a criminal conviction that has entered into force cannot be nominated for president⁴.
- incapacitated citizens and individuals deprived of their liberty under a court sentence are still deprived of *active suffrage* (at the same time, recent amendments to the Constitution have provided persons detained before trial with the opportunity to vote)⁵. Citizens who cannot return to the country due to fears of arbitrary persecution for political reasons are still effectively deprived of the opportunity to vote, since the state does not provide citizens with the opportunity to vote outside the Republic of Belarus⁶.

Legislation excessively restricting the exercise of freedom of association remains in place, complicating the creation and operation of political parties and public associations⁷, therefore, restrictive conditions remain for participation in the electoral process by sending domestic observers and candidates to election commissions.

² Compare with the previous version of Article 80 of the Constitution: "A citizen of the Republic of Belarus by birth, at least 35 years old, who has the right to vote and has been permanently residing in the Republic of Belarus for at least ten years immediately before the elections can be elected President."

³ The Interior Minister clarified in his statements that the Pole's card is included in the list of "other documents of a foreign state that give the right to benefits or other advantages" (<https://belta.by/society/view/grazhdan-belarusi-predlagaetsja-objazat-informirovat-o-priobretenii-drugogo-grazhdanstva-ili-522253-2022/>); on the formation of a separate trend in discrimination against holders of the Pole's card and foreign residence permits, see Human rights in Belarus: the Main Trends of State Policy, pp. 24–25: <https://trends.belhelcom.org/storage/reviews/February2024/gc1hO7866DDq8G3X17sq.pdf>

⁴ Part 7 of Article 60 of the Electoral Code.

⁵ Article 64 of the Constitution.

⁶ The provisions on creating polling stations abroad were excluded from the latest edition of the Electoral Code: compare with Article 18 of the Electoral Code as amended on 06/04/2015.

⁷ See the section Legal Basis in the report The Situation on the Eve of the Elections*2024: <https://spring96.org/en/news/113507>

The new version of the Constitution also radically changed the distribution of power between the existing state bodies and the All-Belarusian People's Assembly (ABPA), which acquired the constitutional status of the "highest representative body of the people's power". The latter is endowed with broad powers, among which is the right to "consider the issue of the legitimacy of elections,"⁸ including the election of the president⁹. This opens up the possibility of neglecting the will of the people, especially given the opaque procedure for the formation of this body and the lack of detailed regulation of the grounds and procedures for making such a decision¹⁰. The President is now elected for a five-year term with the possibility of a single re-election¹¹. The regulation of electoral activities has not changed in general and remains in key issues of ensuring universal, free, secret expression of will contrary to international standards and recommendations of the OSCE ODIHR, national and international observers¹²: among other things, the composition and procedure for the formation of election commissions at all levels remain opaque and not inclusive; there are no effective mechanisms to prevent abuse of administrative resources; the possibility of financing the costs of preparing and conducting elections is excessively limited; controversial early voting procedures and an opaque vote counting procedure remain¹³.

In addition to the above, the existing repressive regulation continues to deprive citizens of real opportunities to show independent initiative, safely mobilize political supporters, express their opinions, and exercise other rights and freedoms. The framework of "anti-extremist legislation" is expanding, allowing arbitrary restriction of many rights and freedoms based on the recognition of information products or activities as "extremist"¹⁴. The regulation of mass gatherings contrary to international standards remains, together with the legislative framework which makes the activities of independent media within the jurisdiction of the state practically impossible¹⁵. The systemic lack of guarantees of a fair trial by an independent court continues¹⁶. Collectively¹⁷, it deprives citizens and key political actors of the opportunity to fully and effectively participate in the election campaign.

⁸ Article 89-3 of the Constitution.

⁹ Article 18 of the Law on the All-Belarusian People's Assembly: <https://pravo.by/document/?guid=12551&p0=H12300248>

¹⁰ See the analysis of the history of the activities and mechanisms of formation of this body: All-Belarusian People's Assembly is a Form of (Non)Implementation of the Right to Take Part in the Conduct of Public Affairs (<https://spring96.org/en/news/115232>).

¹¹ New version of Article 80 of the Constitution.

¹² The OSCE/ODIHR recommendations are available in the Election Recommendations Database <https://paragraph25.odihr.pl/search?dayOfElection=2019-11-17T00%3A00%3A00.000Z&numberOfTheRecommendationInTheFinalReport=1&numberOfTheRecommendationInTheFinalReport=55&projectBeneficiary=Belarus&typeOfElection=Parliamentary&yearOfElection=2019&yearOfElection=2019>; recommendations of the campaign "Human Rights Defenders for Free Elections": <https://referendum2022.spring96.org/ru/news/107870>

¹³ See the section Legal Basis in the report The Situation on the Eve of the Elections*2024: <https://spring96.org/en/news/113507>

¹⁴ See the report of the HRC Viasna Restriction of Freedom of Expression under the Pretext of Combating Extremism and Terrorism: <https://spring96.org/ru/news/114916>, <https://baj.media/be/aglyady-manitoringi/ekstremizm-i-media-analitika-bazh/>

¹⁵ Belarusian Association of Journalists, review of the situation in the media in 2023: <https://baj.media/be/aglyady-manitoringi/smi-belarusi-2023-godze/>

¹⁶ Report of the UN Special Rapporteur on Belarus, May 3, 2023, A/HRC/53/53: <https://undocs.org/Home/Mobile?FinalSymbol=A/HRC/53/53&Language=E&DeviceType=Desktop&LangRequested=False>

¹⁷ <https://index.belhelcom.org/>

SOCIAL AND POLITICAL SITUATION

The presidential elections* scheduled for January 2024 are the seventh in the history of sovereign Belarus. After the first elections, which were won by A. Lukashenka in 1994, they were held in violation of basic international standards of democratic elections¹⁸.

Key participants in the previous campaign¹⁹ are imprisoned, in forced emigration, or actively included in the pro-government agenda²⁰. Among the 1,300 political prisoners currently behind bars²¹ are ex-presidential contenders Viktor Babaryka (sentenced to 14 years of imprisonment)²², Siarhei Tsikhanouski (sentenced to 19 years and six months)²³, and several members of their teams, in particular Maryia Kalesnikava (sentenced to 11 years)²⁴, who have been held incommunicado for more than a year which is tantamount to enforced disappearance²⁵. Ex-candidate Andrei Dzmitryeu also faced criminal prosecution and was imprisoned for one year and six months²⁶. Sviatlana Tsikhanouskaya and Valery Tsapkala, who are in forced exile, were sentenced in absentia to 15 and 17 years of imprisonment, respectively²⁷. Veranika Tsapkala was also sentenced in absentia to 12 years of imprisonment²⁸.

Since 2020, both opposition politicians, in particular Pavel Seviarynets, Mikalai Statkevich, and Ryhor Kastusiu²⁹, as well as a wide range of dissidents and those whom the state considered as such, have been actively persecuted³⁰. On the eve of the start of the current pre-election stage, the UN Special Rapporteur on Belarus stressed that arbitrary detentions are regularly used as a means of suppressing political opposition and civil society, especially in the context of elections³¹. "Anti-extremist" legislation and arbitrary, unpredictable practices of its application have become a routine tool of repression, seriously restricting not only freedom of expression and peaceful assembly but also many social and economic rights³².

At least 1,800 people have been detained since the beginning of 2024. The scale of criminal prosecution for political reasons is not decreasing: from November 2023 to October 2024,

¹⁸ See OSCE reports on previous campaigns with links to national observers: <https://www.osce.org/odihr/elections/belarus>

¹⁹ See The Final Analytical Report on the Results of the Observation of the Presidential Elections of the Republic of Belarus in 2020, <https://elections2020.spring96.org/en/news/100928>

²⁰ Dzimitry Cherachen, Hanna Kanapatskaya, and Aleh Haidukevich are currently included in the pro-government agenda; they participated in the All-Belarusian People's Assembly in 2024. Hanna Kanapatskaya and Aleh Haidukevich have again put forward their candidacies as candidates for the elections*2025.

²¹ <https://prisoners.spring96.org/en>

²² <https://prisoners.spring96.org/en/person/victar-babaryka>

²³ <https://prisoners.spring96.org/en/person/siarhiej-cichanouski>

²⁴ <https://prisoners.spring96.org/en/person/maryja-kalesnikava>

²⁵ <https://spring96.org/en/news/116576>

²⁶ <https://prisoners.spring96.org/en/person/andrei-dzmitryey>

²⁷ <https://prisoners.spring96.org/en/person/svjatlana-cikhanouskaja>,

<https://prisoners.spring96.org/en/person/valeryi-capkala>

²⁸ <https://prisoners.spring96.org/en/person/veranika-capkala>

²⁹ <https://prisoners.spring96.org/ru/person/paviel-sieviaryniec>,

<https://prisoners.spring96.org/ru/person/mikalaj-statkievich>,

<https://prisoners.spring96.org/ru/person/ryhor-kastusiu>

³⁰ See the regular analytical reviews of the HRC Viasna: <https://spring96.org/en/publications>

³¹ Report of the Special Rapporteur on the situation of human rights in Belarus A/79/201

<https://documents.un.org/doc/undoc/gen/n24/215/22/pdf/n2421522.pdf>

³² See the report of the HRC Viasna Restriction of Freedom of Expression under the Pretext of Combating Extremism and Terrorism: <https://spring96.org/ru/news/114916> , <https://baj.media/be/aglyady-manitoringi/ekstremizm-i-media-analitika-bazh/>

criminal cases were initiated against at least 2,300 people; as of November 1, 2024, at least 7,447 people were prosecuted³³. The pressure on political prisoners continues, including through the use of torture³⁴ and the addition of new terms of imprisonment for allegedly violating internal regulations in the penal colonies.

The authorities do not stop the purge of the public field, destroying any institutionalized forms of citizens' association on both political issues and those that are hardly related to politics: culture, society, economy, and religion. Since December 2023, more than 350 civil society organizations have been liquidated; by the end of September, the number of liquidated organizations, including those that made a decision to self-liquidate, is at least 1,803 organizations. At the same time, the authorities are actively making efforts to imitate civil society through the support of GONGOs and absolute loyalty to themselves³⁵.

Belarus is the most dangerous country in Europe for journalists and ranks 167 (out of 180) in the Reporters Without Borders (RSF) World Press Freedom Index for 2024³⁶.

Many active citizens, whom the current authorities consider disloyal and therefore persecute and intimidate, are in forced emigration. They continue to be subjected to cross-border harassment, in particular prosecution, including fabricated criminal charges and trials in absentia against persons in exile, house searches and seizure of property, individual threats, and intimidation of family members remaining in Belarus. Thus, on May 21, 2024, the Investigative Committee initiated a criminal case against 257 people who publicly declared their desire to participate in the elections to the Coordinating Council, positioning itself as a representative body of the Belarusian civil society in exile³⁷.

Thus, political opponents of A. Lukashenka and representatives of pro-democratic forces are practically excluded from participating in the presidential elections*2025. The systematic persecution of independent candidates, criminal cases, and the forced emigration of key figures of pro-democratic forces indicate that participation in elections is either impossible for them or involves serious risks. Against this background, all possible candidates besides A. Lukashenka are perceived as controlled by the authorities, whose role is to demonstrate the existence of a nominal alternative in the 2025 elections*, but not to fight for power in reality.

The elections*2024, held in conditions of incessant repression and a purged public landscape, allowed the authorities to form the lower House of Representatives and local Councils of Deputies, and subsequently, the corps of the ABPA, endowed with broad powers (see the

³³ Criminal prosecution since the beginning of the 2020 election campaign. A list from the Viasna human rights defenders, <https://spring96.org/ru/news/99641>

³⁴ The authors of the report of the UN Committee against Torture A/79/44 stated that the use of torture is a systematic practice in Belarus after the 2020 presidential elections: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=dtYoAzPhJ4NMMy4Lu1TOebISuY2notzKASnNC2cWnaPqEme3rOW0bwTeAPUbYQC%2FYORUCtgXqbIO3U4pmXl4EPYzn2o%2BclBMmsCWuZG30seo%3D>

³⁵ Monitoring of the situation with freedom of association and the status of civil society organizations in the Republic of Belarus September 2024, Lawtrend <https://www.lawtrend.org/english/monitoring-of-the-situation-with-freedom-of-association-and-the-status-of-civil-society-organizations-in-the-republic-of-belarus-september-2024>

³⁶ <https://rsf.org/en/index?year>

³⁷ The Investigative Committee and Twelve extremist groups began fighting for "grants" and organized pseudo-elections. Criminal cases have been initiated, 05/21/2024,

<https://sk.gov.by/ru/news-ru/view/dvenadtsat-ekstremistskix-formirovanij-nachali-borbu-za-granty-i-organizoval-i-psevdivyborny-vozbuzhdeny-13756>

section Legal basis)³⁸. Thus, after 2020, not only the opportunities for the exercise of freedom of opinion, assembly, and association are being eroded, but also the new system of government introduced by the constitutional amendments of the non-free referendum of 2022 is being strengthened.³⁹ In this configuration, citizens are deprived of a real opportunity to participate in public affairs. Confirmation of A. Lukashenka's "legitimate" status completes the formation of this system.

International aspects

In a situation where the winner of the election* is known from the very beginning, the international context around the figure of A. Lukashenka is important.

Belarus is an accomplice of Russia's military aggression against Ukraine, which has been going on for almost three years. On October 4, 2022, A. Lukashenka admitted⁴⁰ that Belarus is participating in the "special military operation" in violation of its own national law⁴¹ and the basic principles of international law. An additional factor of tension was the deployment of Russian nuclear weapons on the territory of Belarus in 2023.

OHCHR has noted in its recent reports⁴² that certain actions of the Belarusian authorities may be qualified as crimes against humanity. On September 30, 2024, the Republic of Lithuania used the right of a state-party to the Rome Statute, provided for in article 14 of the latter, and appealed to the Prosecutor of the International Criminal Court with a request to investigate the situation in Belarus in order to determine whether the Belarusian authorities should be charged with crimes against humanity⁴³.

In addition, it is known that the regime was complicit in the Russian policy of moving Ukrainian children from temporarily occupied territories, their indoctrination, and

³⁸ Elections*2024. Final Analytical Report on the Results of Monitoring the Elections of Deputies on a Single Voting Day on February 25, 2024, <https://elections2024.spring96.org/en/news/1148841>

³⁹ See the Final Analytical Report of the Expert Mission to Assess the National Referendum, p. 4: <https://referendum2022.spring96.org/en/news/107864>

⁴⁰ <https://belta.by/president/view/lukashenko-podtverdil-uchastie-belarusi-v-svo-v-ukraine-no-est-vazhnye-njuansy-527204-2022/>

⁴¹ Article 18 of the Constitution.

⁴² See paragraph 54 of report A/HRC/52/68: "Some of the [violations of international human rights law] committed by the Belarusian authorities may also amount to crimes against humanity ...", paragraph 52 of report A/HRC/55/61: "...OHCHR has reasonable grounds to believe that a crime in the form of persecution, which is a crime against humanity, could have been committed, along with other basic acts that can be established as a result of the described human rights violations."

⁴³ The following is noted as the basis for contacting the Prosecutor: "President Lukashenko, together with the senior leaders of the government including the military, state security, law enforcement, judiciary and other agents of the Republic of Belarus.. have waged a campaign against the civilian population of Belarus which has included.. serious deprivation of fundamental rights; arbitrary detention, prosecution, and conviction; serious unlawful violence; unlawful killings; sexual violence; physical and mental harm; torture, inhuman and degrading treatment; intimidation and harassment; forced labour; and enforced disappearance among several others."

<https://tm.lrv.lt/en/news/lithuania-refers-the-situation-in-belarus-to-the-prosecutor-of-the-international-criminal-court-to-investigate-the-crimes-against-humanity-committed-by-the-authoritarian-regime-of-lukashenko/>

militarization⁴⁴, which became the basis for issuing an arrest warrant for several Russian officials, including V. Putin.

⁴⁴ See the report *Stolen Childhood: How the Belarusian Regime Erases the Identity of Ukrainian Children Through Displacement, Re-education, and Militarization*:
https://spring96.org/files/book/be/report_dzeci_ua.pdf

Information about these practices has been submitted to the International Criminal Court:
<https://www.belarus-nau.org/post/%D0%BF%D1%80%D0%B8%D0%B2%D0%BB%D0%B5%D1%87%D0%B5%D0%BD%D0%B8%D0%B5-%D0%BA-%D0%BE%D1%82%D0%B2%D0%B5%D1%82%D1%81%D1%82%D0%B2%D0%B5%D0%BD%D0%BD%D0%BE%D1%81%D1%82%D0%B8-%D0%BB%D1%83%D0%BA%D0%B0%D1%88%D0%B5%D0%BD%D0%BA%D0%BE-%D1%87%D1%82%D0%BE-%D1%81%D0%B4%D0%B5%D0%BB%D0%B0%D0%BD%D0%BE-%D0%BD%D0%B0-%D0%B4%D0%B0%D0%BD%D0%BD%D1%8B%D0%B9-%D0%BC%D0%BE%D0%BC%D0%B5%D0%BD%D1%82>