

**INTERIM REPORT  
26 August – 16 September 2015**

**22 September 2015**

**I. EXECUTIVE SUMMARY**

- On 30 June, the House of Representatives called the presidential election for 11 October. The president is elected for a five-year term. If no candidate wins an absolute majority in the first round, a second round between the top two candidates is held within two weeks. The incumbent president has held the office since 1994 and is standing as a candidate.
- The election is primarily regulated by the Constitution and the Electoral Code. After the 2012 parliamentary elections, a few amendments were introduced, mostly concerning media and campaign finance. Despite welcome post-electoral engagement, these amendments did not address key OSCE/ODIHR recommendations.
- The three-tiered election administration, headed by the Central Election Commission (CEC), has met all legal deadlines to date. Members to the territorial and precinct election commissions (PECs) were also appointed within the deadlines. Nominees of independent organizations and opposition parties have largely been denied appointments to election commissions.
- Citizens who are 18 years old by election day and reside within an election precinct have the right to vote. Voter lists are prepared for each election by PECs based on information provided by local authorities. There is no unified voter list and, so far, the CEC has not published the total number of preliminary registered voters. Voters may be included on the voter list prior to and on election day.
- Belarus-born citizens above the age of 35 with a permanent residence in the country for the last ten years are eligible to stand as candidates. The CEC registered eight initiative groups to collect signatures in support of prospective candidates. On 10 September, the CEC registered four presidential candidates. For the first time, a woman candidate is standing for the presidency.
- The election campaign officially commenced on 10 September and is largely invisible. Several former presidential candidates raised concerns about the candidate registration process.
- In a positive step, after several political prisoners were released in 2014, the President pardoned a further six in August 2015, including a former presidential candidate. Another former presidential candidate, who returned from abroad on 8 September, remains under investigation for his alleged participation in the post-election protests in 2010.
- State-owned outlets dominate the media landscape; however, some limited independent sources of information are available online. Free airtime on state media, allocated on an equal basis to all candidates, commenced on 14 September. A television debate among the candidates is scheduled for 3 October.
- A complaint may be lodged to election commissions, the courts or the General Prosecutor; however, there are limitations on who can lodge a complaint, depending on the issue. Several decisions of election commissions, including on the final results may not be challenged. As of 11 September, some 168 complaints were filed, mostly alleging violations during the signature collection process and in the formation of election commissions.

## II. INTRODUCTION

Following an official invitation from the authorities of the Republic of Belarus and based on the recommendation of a Needs Assessment Mission conducted from 14 to 17 July, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 26 August.<sup>1</sup> The OSCE/ODIHR EOM, headed by Ambassador Jacques Faure, consists of a 13-member core team based in Minsk and 36 long-term observers deployed in the regions, drawn from 21 participating States. The OSCE participating States have been requested to second 400 short-term observers to observe early voting, polling and counting, and results tabulation.

## III. BACKGROUND

Belarus is a presidential republic where the head of state enjoys extensive powers. The incumbent, President Alexander Lukashenko, has held the office since 1994 and is now standing for his fifth consecutive term.<sup>2</sup> The party system remains weak, and despite several applications, no new political party has been registered since 2000. The 2012 parliamentary elections resulted in only five candidates nominated by political parties winning seats in the 110-seat House of Representatives, with all members considered to be government supporters.

In a positive step, after several political prisoners were released in 2014, the President pardoned further six in August 2015, including a former presidential candidate. Another former presidential candidate, who returned from abroad on 8 September, remains under investigation for his alleged participation in the post-election protests in 2010.

## IV. THE ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is elected for a five-year term in a two-round majoritarian contest. If no candidate gains more than 50 per cent of the total number of votes cast in the first round, a second round is held within two weeks between the top two candidates. In a second round, a candidate has to again obtain at least 50 per cent of the votes to get elected. In addition, a 50 per cent turnout requirement for the election to be valid is applicable to both rounds.

The election is regulated primarily by the Constitution and the Electoral Code.<sup>3</sup> The legal framework remained essentially unchanged since the last presidential election and in previous OSCE/ODIHR reports it was assessed as not adequately guaranteeing the conduct of elections in line with OSCE commitments and international standards.<sup>4</sup>

After the 2012 parliamentary elections, a few amendments were introduced, mostly concerning media and campaign finance. Despite welcome post-electoral engagement, these amendments also did not address key OSCE/ODIHR recommendations.<sup>5</sup> Among others, the noted shortcomings include unclear rules on the composition of election commissions and on the signature verification process by

---

<sup>1</sup> Previous OSCE/ODIHR reports on Belarus are available at <http://www.osce.org/odihr/elections/belarus>.

<sup>2</sup> The 1994 Constitution has been amended twice by referendum: first in 1996, increasing the power of the presidency and in 2004, abolishing the two-term presidential limit.

<sup>3</sup> These are supplemented by the 2008 Law on Mass Media, the 1997 Law on Public Events, the 1999 Civil Procedure Code, relevant provisions of the 1999 Criminal Code, the 2003 Code of Administrative Offences, the 2011 Law on Applications of Citizens and CEC Resolutions.

<sup>4</sup> See also the [Joint Opinion of the OSCE/ODIHR and the Council of Europe's Venice Commission](#).

<sup>5</sup> In 2013, Belarus invited and hosted the OSCE/ODIHR on two occasions to discuss previous recommendations and planned amendments. Subsequently, no requests for a formal legal review of the draft or adopted amendments were made.

territorial election commissions (TECs) as well as lack of procedural safeguards for counting and tabulation, including no requirement to publish election results disaggregated by polling station. In addition, the law disenfranchises citizens in pre-trial detention from voting rights and prescribes de-registration of candidates as sanction for a number of infringements.

## V. ELECTION ADMINISTRATION

The election is administered by a three-tiered system consisting of the Central Election Commission (CEC), 153 TECs and 6,129 precinct election commissions (PECs). Some 49 PECs are formed at diplomatic representations abroad.

The CEC was appointed in 2011 for a five-year period and is the only permanent election body. Six of the 12 CEC members are appointed by the president, including the chairperson, and 6 by the Council of the Republic, recommended by joint decisions of the legislative councils and executive committees at regional (*oblast*) and Minsk city level. Four CEC members are women, including the chairperson. The CEC is on track with the technical preparations for the election, meeting all legal deadlines, to date.<sup>6</sup> The CEC has issued guidelines and training materials for PECs and TECs members. As of 15 September, all CEC decisions have been adopted unanimously.

Each TEC may have from 9 to 13 members and each PEC from 5 to 19 members.<sup>7</sup> Political parties, public associations, labor collectives and groups of 10 voters may nominate members of TECs and PECs. Members must be resident in the territory of the respective commission. At least one third of TEC or PEC members have to be nominated by political parties and public associations, not more than one third can be civil servants, and each nominating body may have only one member on each commission. Although the Electoral Code prevents heads of local executive and administrative bodies to be members of election commissions, the OSCE/ODIHR EOM noted that other senior management professionals of these bodies such as deputy heads or heads of departments hold managerial positions on some TECs.

Local authorities appointed some 2,623 TEC and 66,941 PEC members, within the legal deadlines. Women constitute some 59 and 71.5 per cent of the TECs and PECs members, respectively. One third of TECs chairpersons are women. Nominees by independent civil society organizations and opposition parties have largely been denied appointment, leaving them with only few members on election commissions.<sup>8</sup> Thus far, three presidential candidates have appointed a non-voting member to the CEC and all 4 candidates have appointed a total of 113 proxies countrywide.<sup>9</sup>

## VI. VOTER REGISTRATION

Citizens who are 18 years old by election day and reside within an election precinct have the right to vote at that precinct. The Electoral Code establishes that those declared legally incapacitated by a court, imprisoned with criminal convictions, in police custody, and in pre-trial detention are not eligible to vote regardless of the gravity of the crime committed and the length of the sentence.<sup>10</sup>

---

<sup>6</sup> As of 15 September, the CEC held 5 meetings and passed 51 resolutions since the election was called.

<sup>7</sup> The size of the commissions is determined at the discretion of the appointing bodies

<sup>8</sup> Interlocutors from the “Right to Choose 2015”, coalition composed of eight parties and a number of civil society organizations, informed the OSCE/ODIHR EOM that out of 374 members proposed to PECs only 10 were appointed.

<sup>9</sup> The Electoral Code provides that candidates have the right to nominate a member with an advisory vote to the CEC and up to 30 proxies countrywide.

<sup>10</sup> According to a CEC resolution from 14 May 2015, people under arrest on criminal convictions for up to three months have the right to vote by mobile ballot box.

Voter lists are prepared for each election by PECs based on information provided by local authorities.<sup>11</sup> The law requires that a voter may only be registered to vote in one polling station. There is no unified voter register which excludes the possibility to run cross checks for multiple registrations. PEC members currently are verifying the voter lists by door-to-door checks. The final voter lists must be prepared by 25 September, when voters will be able to check their entries at their precinct and request corrections or modifications.

The Electoral Code allows voters to be included in the voter lists at any time, including on election day.<sup>12</sup> As of 15 September, the CEC has not released information about the preliminary number of registered voters.

## VII. CANDIDATE REGISTRATION

Belarus-born citizens above the age of 35 with a permanent residence in the country for the last ten years are eligible to stand as candidates, provided that they do not have an un-expunged criminal record.<sup>13</sup> A presidential candidate is nominated by an initiative group of no less than 100 voters.

By 20 July, the CEC registered 8 initiative groups out of 15 applications.<sup>14</sup> On 10 September, the CEC registered four candidates, including the incumbent and one woman candidate. Three initiative groups failed to collect the required 100,000 supporting signatures of voters.<sup>15</sup> One prospective candidate was denied registration after TECs across the country detected absent or inconsistent information about the voters signing or people collecting the signatures.<sup>16</sup>

Some OSCE/ODIHR EOM interlocutors, including former presidential candidates, raised concerns about a lack of equal opportunity for candidates to collect signatures and deemed the signature verification process insufficiently transparent.

## VIII. CAMPAIGN ENVIRONMENT

The election campaign officially commenced on 10 September. Thus far, the campaign remains largely invisible. Most OSCE/ODIHR EOM interlocutors expect the campaign environment to be relatively permissive, nevertheless, some stakeholders from the opposition opined that there is a limited choice of candidates. On 10 September, several former presidential candidates together with party leaders and opposition activists staged a protest in Minsk contesting the legitimacy of the

---

<sup>11</sup> Voter lists for PECs formed in institutions of voters' temporary stay (hospitals, military units, or diplomatic or consular representations) are prepared by the head of the respective institution.

<sup>12</sup> [Council of Europe's Commission for Democracy through Law \(Venice Commission\) Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) states that voter registration should not take place at polling stations on election day.

<sup>13</sup> This lengthy residency requirement has been previously criticized in the [Joint Opinion of the OSCE/ODIHR and the Council of Europe's Venice Commission](#).

<sup>14</sup> Three were denied on the grounds that the initiative group had less than 100 members, 1 for applying after the legal deadline, 1 for missing documents, 1 for not meeting the 10 year residency requirement and 1 for not meeting the citizenship requirement.

<sup>15</sup> Initiative groups of Zhanna Romanovskaya, Sergey Kalyakin and Anatoliy Lebedko. The [Code of Good Practice](#) states that the law should not require more than one per cent of the signatures within a constituency.

<sup>16</sup> TECs invalidated 123,705 out of 130,404 signatures submitted for the presidential nominee Viktor Tereschenko. Subsequently, Mr. Tereschenko appealed the CEC decision denying him registration to the Supreme Court and requested access to the TEC protocols on the verification of his signatures. A court hearing was held on 16 September and publication of the decision is still pending.

candidate registration process that excluded some potential oppositional contenders.<sup>17</sup>

Key campaign themes include the issues of regional security, in particular the events in eastern Ukraine, the country's economic situation and a prospective opening of a Russian air force base in Belarus. The issue of whether or not to participate in the election has yet again become a campaign topic. Moreover, some opposition figures are calling on the electorate to 'ignore' the process.

The local executive bodies have designated spaces and venues for campaign materials and rallies within legal deadlines. Candidates can only meet in the designated locations without seeking prior permission. Although this is in line with Belarusian legislation, it is at odds with international principles regarding freedom of assembly. The CEC will produce joint information material on candidates, which is mailed to voters and displayed in especially designated spaces and polling stations.

Disproportionate legal restrictions of fundamental freedoms impact on the campaign environment. There are limitations to the freedom of association including on the registration of political parties and public associations.<sup>18</sup> The rights of citizens or public associations wishing to address electoral issues in public meetings remain restricted.<sup>19</sup> The freedom of expression is limited by a number of criminal offences for defamation, insult and ban on calls and acts of disruption, cancellation or postponement of elections.

## IX. CAMPAIGN FINANCE

Candidates may use their own resources, contributions by citizens and legal entities, provided that these are deposited to their election campaign fund. Legal amendments in 2013 and 2015 increased the caps on donations and the spending limits, allowed prospective candidates to open bank accounts for funds collection once their initiative group is registered and introduced additional bans on foreign funding. Each candidate may spend up to approximately EUR 85,000.<sup>20</sup> In addition, there is in-kind state support for campaigning in the form of use of premises for campaign events, campaign materials and free airtime. Candidates submit a financial report to the CEC not later than 10 days prior to the election and a final financial report within five days after the election.

Six initiative groups opened bank accounts.<sup>21</sup> Incomes before the registration of candidates may be used only for the collection of signatures. In line with the law, the CEC published information on incomes and expenditures submitted by the bank on a weekly basis on its official website. As of 15 September 2015, the total declared incomes of the six initiative groups amounted to some EUR 2,200 and total declared expenditures amounted to EUR 1,800.

---

<sup>17</sup> Nikolai Statkevich, a recently pardoned former political prisoner, intended to run in this election but his initiative group failed to register because his conviction had not been expunged. According to Mr. Statkevich, he was served an official warning over his role in organizing this event, which listed a breach of Article 23.34 of the Code of Administrative Offenses.

<sup>18</sup> Public human rights associations may not receive any foreign funding, including from international organizations, and there are wide discretionary powers in the legislation to deny or deprive them of registration and to criminalizing their activities.

<sup>19</sup> See paragraph 37 of the [Venice Commission and OSCE/ODIHR Joint Opinion on Law of Mass Events](#).

<sup>20</sup> One EUR equals approximately BYR 20,000. An individual may donate up to approximately EUR 180 and a legal entity up to EUR 460.

<sup>21</sup> Initiative groups of Kalyakin, Korotkevich, Romanovskaya, Ulakhovich, Tereschenko and Gaidukevich. The initiative group of the incumbent opened a campaign fund on the day after his registration as candidate.

## X. THE MEDIA

Numerous broadcast and print media are available in the country. Television is the primary sources of information and state-owned media dominate the market. Some 67 per cent of all registered media outlets are private, but all television stations with nationwide coverage are state-owned.<sup>22</sup> Russian Federation and Polish media outlets are also broadcasting and accessible nationwide. Newspapers are circulated through state distribution structures which, according to some OSCE/ODIHR EOM interlocutors, favor state-owned publications. Also according to them, the Internet is becoming increasingly accessible in and the vicinities around Minsk and the number of news websites has increased significantly.

Some OSCE/ODIHR EOM interlocutors informed that the constitutionally guaranteed rights of freedom of expression and free access to information are hardly respected.<sup>23</sup> The 2014 amendments to the Law on Mass Media raised concerns among media professionals and were criticized by the OSCE Representative on Freedom of the Media (RFoM) as intimidating free speech.<sup>24</sup> Under the amended law, any website distributing information, including blogs and social networks, is considered a media outlet and its owner is held responsible for any content posted, including the users' comments. The Ministry of Information informed the EOM that it has the authority to block websites if ordered by a court. Several EOM interlocutors stated that several online resources that provide independent news have been blocked since the above-mentioned amendments.<sup>25</sup>

Under the Electoral Code, all contestants are guaranteed equal access to the state-owned media from the time of their registration as candidates. In line with this, the CEC adopted a resolution in which it established that state-owned television channel *Belarus 1* and *Radio 1* should allocate free coverage starting from 14 September 2015. A Media Supervisory Board (MSB) was appointed by the CEC to oversee the coverage of the campaign, however systematic monitoring is not conducted.<sup>26</sup> If violations occur, the MSB advises the CEC to undertake measures against the responsible media. A television debate is scheduled to take place among candidates on 3 October.

On 7 September, the ODIHR EOM started quantitative and qualitative monitoring of campaign coverage. This includes five television channels, two radio channels and eight newspapers.<sup>27</sup>

## XI. COMPLAINTS AND APPEALS

A complaint may be lodged to election commissions, the courts or the General Prosecutor. However, there are limitations on who can lodge a complaint, depending on the issue. Several decisions of electoral commissions, including the registration of a candidate and an initiative group, the signature verification process and the final election results may not be challenged. As a general rule, complaints are filed and reviewed within three days.<sup>28</sup> Decisions of election commissions can be

---

<sup>22</sup> See [https://www.irex.org/sites/default/files/u105/EE\\_MSI\\_2015\\_Belarus.pdf](https://www.irex.org/sites/default/files/u105/EE_MSI_2015_Belarus.pdf).

<sup>23</sup> In 2015, surveys of the freedom of the press, Belarus was ranked 194 out of 199 countries by Freedom House and 157 out of 180 countries by Reporters without Borders.

<sup>24</sup> See RFoM statement from 22 December 2014 on <http://www.osce.org/fom/132866>.

<sup>25</sup> Following the blockage of the independent news website *kyky.org* in June 2015, the Ministry of Information informed that the access had been blocked for all Belarusian users in accordance with Art. 38.1.3 of the Law on Mass Media as potentially harmful to the national interests of Belarus. See: <http://spring96.org/en/news/78001>

<sup>26</sup> The MSB comprises media professionals and the Deputy Minister of Information, but it has yet to convene its first session and elect its chairperson.

<sup>27</sup> TV channels: *Belarus 1*, *Belarus 3*, *ONT TV*, *CTV*, *RTR Belarus*. Radio channels: state *Radio 1* and private *Euroradio*. Newspapers: state *Sovetskaya Belorussia*, *Zvyazda*, *Respublika*, *Narodnaya Hazieta* and private *Narodnaya Volya*, *Nasha Niva*, *Biel Hazieta* and *Komsomolskaya Pravda*.

<sup>28</sup> As an exception, PEC decisions on voter registration may be appealed both to TECs and to territorial courts.



appealed either to the higher level election commission or a court at the corresponding level. The law requires that appeals of decisions of lower commissions are reviewed at public sessions whereby the complainant is entitled to be present; all other complaints may be reviewed by individual election commission members or staff. The Supreme Court has jurisdiction over CEC decisions whereas the regional (*oblast*), Minsk City, district and city courts have jurisdiction over decisions of the corresponding level TECs.

As of 11 September, a total of 168 applications and complaints were filed with the CEC, TECs and local authorities, according to the CEC. Most alleged misuse of state resources in the collection of supporting signatures, denial of registration of initiative groups, and formation of TECs and PECs.

## **XII. CITIZENS AND FOREIGN OBSERVERS**

The Electoral Code provides for citizen and international election observation. Political parties, public associations, labor collectives, groups of 10 voters and media outlets may nominate observers. The CEC issues accreditation to observers from public associations and political parties registered at national level, while TECs and PECs accredit observers at local level. There are no legal deadlines for accreditation applications. Only representatives of foreign states and international organizations who have been invited by the authorities may observe elections. Some foreign non-governmental organizations have been denied accreditation on the ground that they have not been invited.

To date, some 195 international and 9,128 citizen observers have been accredited. At least two foreign organizations that applied for registration have not been accredited.<sup>29</sup> Thus far, the “Human Rights Defenders for Free Elections” and the “Right to Choose 2015” campaign appear to be the most active independent citizen observer groups. They continue to underscore their long-standing concerns about their ability to meaningfully observe the counting and tabulations processes.

## **XIII. OSCE/ODIHR EOM ACTIVITIES**

The OSCE/ODIHR EOM commenced its activities in Minsk on 26 August. The Head of Mission has met the Minister of Foreign Affairs, the Chairperson of the CEC, the Chairpersons of the Supreme and Constitutional Courts, ministries, as well as with presidential candidates, political parties and public associations, civil society, media and representatives of OSCE participating States. Thirty-six long-term observers have been deployed throughout Belarus on 2 September. The OSCE Parliamentary Assembly (PA) and the Parliamentary Assembly of the Council of Europe (PACE) intend to deploy delegations for election day observation. The OSCE Chairperson-in-Office has appointed Vice-President of the OSCE PA Mr. Kent Härstedt as Special Co-ordinator and leader of OSCE short-term observers for this election.

*The English version of this report is the only official document.  
Unofficial translations are available in Belarusian and Russian.*

---

<sup>29</sup> The Russian Federation Non-Commercial Organization ‘For Clean Elections’ and the European Network of Election Monitoring Organizations (ENEMO).