

**INTERIM REPORT No. 1  
12 – 30 August 2008**

**I. EXECUTIVE SUMMARY**

- Elections to the Chamber of Representatives (lower chamber of the National Assembly of Belarus) are to be held on 28 September 2008. These will take place in 110 single mandate constituencies, under a two round majoritarian system; if no candidate receives more than 50 per cent in the first round, a second round is held two weeks later (12 October) between the two candidates with the most votes .
- Election commissions at all levels have met legal deadlines.
- The elections are primarily regulated by the Constitution and the Electoral Code (EC). The EC was last amended in October 2006 and the impact of these amendments on the current electoral process is yet to be assessed.
- Altogether, 365 individuals were nominated as parliamentary candidates. Of these, a total of 275 candidates have been registered by DEC. Some of those who have not been registered intend to appeal the DEC decisions.
- The elections will be administered by a three-tiered election commission structure, consisting of a Central Election Commission (CEC), 110 District Election Commissions (DECs) and 6,525 Precinct Election Commissions (PECs). DECs and PECs are appointed by regional and local government bodies, respectively, at their discretion. While opposition members are not well represented on election commissions, the Belarusian Government has presented the increased number of DECs with opposition representation as a step forward.
- The OSCE/ODIHR Election Observation Mission (EOM) officially commenced its work on 12 August 2008. The EOM consists of 15 core team members, based in Minsk, and 40 long term observers deployed throughout the country. Together, 22 OSCE participating States are represented.
- Since 15 August, the OSCE/ODIHR EOM has commenced its media monitoring, according to its standard methodology; the monitoring will encompass four television channels, one radio station and ten newspapers.

## II. INTRODUCTION

Elections to the Chamber of Representatives (lower chamber of the National Assembly)<sup>1</sup> are scheduled to take place on 28 September 2008. The elections were called by the President of Belarus, Alyaksandr Lukashenka, on 24 June 2008. As required by law, the elections were announced four months prior to the expiry of the mandate of the outgoing parliament. The OSCE/ODIHR was invited to observe the upcoming elections on 9 July by the Belarusian Minister of Foreign Affairs, Sergei Martynov. The invitation was timely and has permitted the OSCE/ODIHR to properly organize the deployment of the Election Observation Mission (EOM).

The OSCE/ODIHR conducted a Needs Assessment Mission (NAM) from 9 to 12 June 2008,<sup>2</sup> which recommended the deployment of an EOM. The OSCE/ODIHR EOM formally opened on 12 August. Headed by Ambassador Geert-Hinrich Ahrens, it is comprised of a 15-member core team based in Minsk and 40 long-term observers (LTOs) deployed throughout Belarus. Together, 22 OSCE participating States are represented. The 2008 parliamentary elections are the fifth to be observed by the OSCE/ODIHR in Belarus, according to its standard methodology.<sup>3</sup>

## III. POLITICAL BACKGROUND

The last parliamentary elections, held in October 2004, resulted in a parliament predominantly composed of independent deputies; only 12 deputies had been nominated by political parties and there were no opposition candidates elected. The political environment in Belarus continues to be highly polarized. On 10 July, President Lukashenka made a public statement, urging all public authorities to ensure that the upcoming elections would be open, democratic and transparent.

Although the upcoming elections will again mainly be contested by independent candidates, political parties do play a certain role in the political process. The main parties supporting the government include the Agrarian Party, the Communist Party of Belarus (CPB), and the Liberal Democratic Party (LDP). The main registered opposition parties continue to be the Belarusian Popular Front (BPF), the Party of Belarusian Communists (PCB), the Belarusian Social Democratic Party *Hramada* (BSDP-H), and the United Civic Party (UCP). These opposition parties united in 2005 under an umbrella organization entitled the United Democratic Front (UDF). They decided to nominate joint candidates in the constituencies in which they are entitled to run. The European Coalition, a grouping of unregistered opposition parties with European integration as their main objective and fielding their own candidates, has also been active, taking a centrist position.

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<sup>1</sup> Indirect elections to the Council of the Republic (upper chamber of the National Assembly) are being held concurrently on from 21 September to 10 October. The OSCE/ODIHR is not observing these elections.

<sup>2</sup> The OSCE/ODIHR NAM report is available at [http://www.osce.org/documents/odihr/2008/07/31957\\_en.pdf](http://www.osce.org/documents/odihr/2008/07/31957_en.pdf)

<sup>3</sup> See OSCE/ODIHR reports on the parliamentary elections of 2000 and 2004 and the presidential elections of 2001 and 2006, available at <http://www.osce.org/odihr-elections/14353.html>

#### IV. LEGAL FRAMEWORK AND ELECTION SYSTEM

The 110-member Chamber of Representatives of the National Assembly of Belarus (hereafter, parliament) is elected for four-year terms on the basis of a two-round majoritarian system in 110 single mandate constituencies. If no candidate receives more than 50 per cent of all votes cast in the first round, a second round is held between the two candidates with the most votes within two weeks (12 October). The law establishes a 50 per cent turnout requirement for the first round to be considered valid, while a 25 per cent turnout is required in the second round.

The upcoming parliamentary elections are primarily regulated by the Constitution and the Electoral Code of the Republic of Belarus (EC). The EC was last amended in October 2006 and these latest changes were not assessed in the October 2006 Venice Commission and OSCE/ODIHR Joint Opinion on the EC,<sup>4</sup> which noted various inconsistencies with the OSCE Commitments. The October 2006 amendments most notably introduced changes to the system of local council elections. The impact of other amendments on the current electoral process is yet to be assessed.

Other legislation that regulates the current election process has also been recently amended. The Law on Mass Events was amended in 2006 and in 2008. Notably, the 2006 changes shortened the required period for filing a permission request to hold outdoor campaign events to 5 days, from the 15 days previously required.

#### V. CANDIDATE NOMINATION AND REGISTRATION

In order to be eligible to stand for parliament, citizens must be 21 and reside permanently in the Republic of Belarus. Candidates can be nominated in 3 ways: by registered political parties, by labour collectives, and by initiative groups of citizens who collect more than 1,000 voter signatures.<sup>5</sup>

As of the candidate nomination deadline of 18 August, 8 political parties had submitted 59 nominations. Overall, 322 of the 424 initiative groups registered<sup>6</sup> successfully completed the nomination process. In addition, 113 labour collectives submitted nomination applications. Overall, 365 candidate nominations were accepted. These candidate applications were then checked by DEC's until 28 August. Following this verification process, 275 candidates have been registered by DEC's. Some of those who have not been registered intend to appeal these DEC decisions to the CEC. The OSCE/ODIHR EOM was furthermore informed of a number of problems regarding the signature collection process, which the OSCE/ODIHR EOM is currently looking into. Only 36 of the outgoing 110 parliamentary deputies are standing for re-election.

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<sup>4</sup> "Joint Opinion on the Electoral Legislation Of The Republic Of Belarus", European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR, adopted by the Council for Democratic Elections on 12 October 2006 and the Venice Commission at its 68<sup>th</sup> plenary session (13-14 October 2006).

<sup>5</sup> The EC allows candidates to be nominated in multiple constituencies and through more than one form of nomination.

<sup>6</sup> 455 initiative groups applied for registration, of which 8 withdrew, 22 were rejected, and 1 was not considered.

## VI. ELECTION ADMINISTRATION

The upcoming elections will be administered by a three-tiered election commission structure, consisting of a Central Election Commission (CEC), 110 District Election Commissions (DECs) and 6,525 Precinct Election Commissions (PECs).

The CEC is a permanent body with a five-year mandate, while the DECs and the PECs are appointed for each election. The current CEC was appointed on 22 January 2007 and consists of 12 members; 6 are appointed by the President and 6 by the Council of the Republic (upper chamber of the National Assembly). On 24 June 2008, the President issued a decree allowing political parties that nominate candidates to appoint advisory (non-voting) members to the CEC. Thus, eight such advisory members have been appointed.

Members of the 110 DECs were appointed by regional legislatures and executives. For these elections, each DEC consists of 13 members, the maximum number allowed by law. There are a total of 1,430 DEC members. Of these, 583 were nominated by citizens, 356 by public associations, 222 by labour collectives, 118 by regional legislatures and executives, and 151 by political parties (38 from the opposition, 2.66 per cent). The Belarusian Government has presented the increased number of DECs with an opposition representative among its members as a step forward.

The PEC members were appointed by local executive bodies in each administrative unit. The PEC membership varies from 5 to 19 members, depending on the number of voters registered in that precinct. A total of 69,845 PEC members were appointed for the 6,485 precincts that are in-country.<sup>7</sup> Of these, 36,071 were nominated by citizens, 21,869 by labour collectives, 9,032 by public associations, 2,712 by local executive bodies, and 161 by political parties (43 from the opposition, 0.06 per cent).

The election administration has been meeting all deadlines set in the electoral calendar, issued by the CEC. The system for elections commission appointments remains unchanged. At DEC and PEC level, the relevant government bodies retain full legal discretion over appointments.

## VII. VOTER REGISTRATION

In order to register to vote, a citizen must be 18 by or on the day of election and must permanently or temporarily reside within the precinct in which s/he wishes to register. The EC establishes that those declared legally incompetent by a court, those serving a prison sentence, and those in preventative custody are not eligible to vote. The provisions for voter registration do not foresee any consolidated or centralized voter lists. Voter lists are compiled for each precinct by the relevant local administration and updated by the PEC. A voter, by law, may only be included in one voter list.

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<sup>7</sup> This figure does not include the PEC members of the 40 precincts formed abroad.

## VIII. POLITICAL ENVIRONMENT

The OSCE/ODIHR EOM observers report the atmosphere in the country to be calm and official interlocutors expect a peaceful and transparent election process. OSCE/ODIHR EOM observers report that all interlocutors have been generally cooperative.

The election campaign officially only commences following the registration of candidates, which was concluded on 28 August. Visually, there is very little evidence that an election is underway.

The political climate has, to some extent, been improved with the release of three individuals, categorized as political prisoners by the European Union and the United States; Mr. Alyaksandr Kazulin, Mr. Andrei Kim and Mr. Sergei Parsyukevich were all granted pardons by the President and released from prison during the reporting period.

Opposition political parties have voiced their disappointment with the low number of their nominees that were accepted as members of DEC and PEC. On 27 August, the leaders of the UDF sent an appeal to the head of the presidential administration, noting their concerns over the election process and requesting to open a dialogue with the government on the formation of election commissions and the lack of information on the elections in the media.

## IX. THE MEDIA

While a relatively high number of media outlets exist in the country, there is a lack of independent media; in particular, among broadcast media that serve as the main source of information. The OSCE Representative on Freedom of the Media has expressed his concern over state control of the media and instances of pressure on journalists.<sup>8</sup>

The Constitution forbids censorship and guarantees freedom of thought and belief, and their free expression. It also provides for the right to receive and disseminate complete, reliable and timely information on political life.

The EC continues to provide the main legal framework for the election campaign in the media. It stipulates conditions for free airtime and space in the state-funded media and obliges state-funded media to guarantee equal opportunities for election appearances of candidates. The CEC, as required by law, established the schedule of candidates' campaign appearances and decided that *Beloruskaya Niva*, *Narodnaya Gazeta*, *Respublika* and *Zvjazda* will be the national state-funded newspapers in which candidates are entitled to receive up to two typewritten pages to promote their election campaigns.

From 3 to 19 September, each candidate will have the opportunity to make one 5 minute pre-recorded address on regional television and radio branches of the National State TV and Radio Company. The law requires that these slots are allocated during a period that

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<sup>8</sup> Cf. [www.osce.org/fom/item\\_1\\_30442.html](http://www.osce.org/fom/item_1_30442.html) and [www.osce.org/publications/rfm/2008/07/32397\\_1169\\_en.pdf](http://www.osce.org/publications/rfm/2008/07/32397_1169_en.pdf)

attracts the highest audience. In its 31 July decision, the CEC stipulated that the TV slots will be aired from 17:30 to 18:30.

The CEC established a Supervisory Council on 31 July to assist it in overseeing media compliance with the legal requirements of the election campaign in the media. The working group, chaired by the Deputy Minister of Information, consists exclusively of state bodies and state-funded media. To date, the council has convened twice and has considered eight complaints, mostly on early campaigning. No violation was found.

The OSCE/ODIHR EOM on 15 August commenced media monitoring of four TV channels, one radio station and ten newspapers.<sup>9</sup> Based on qualitative and quantitative analyses, the OSCE/ODIHR EOM will evaluate whether the media provides impartial and balanced coverage of candidates and other political entities, and what attention media pay to related campaign issues as well as to informational programmes. In addition, it will assess media compliance with national legislation.

## **X. COMPLAINTS AND APPEALS**

Several venues exist for lodging complaints during the election process. Complaints on DEC decisions regarding registration are appealed to the CEC, while CEC decisions can be appealed to the Supreme Court.

The CEC has so far received 196 complaints, requests and appeals, of which 39 were not relevant to the preparation and conduct of elections, according to the CEC. Of the remaining 157, 8 were requests for clarifying legislation. The CEC took 10 decisions on complaints in its public sessions. One of these decisions on the refusal to register an initiative group was appealed to the Supreme Court, where the court decided in favour of the CEC. Certain applications to the CEC, such as requests for explanations, are dealt with by the CEC staff and are not discussed in public sessions.

On 27 June, the Prosecutor General's Office formed a special Working Group on Elections to deal with election-related matters.

## **XI. PARTICIPATION OF WOMEN**

The legal framework in Belarus neither presents legal barriers to the participation of women in elections, nor legal provisions to promote their participation. Among the 110 deputies of the outgoing parliament, 32 are women. Women are present in 11 parliamentary commissions (out of 14). One woman chairs the commission on local self-government and 15 are deputy chairs of other commissions. Of the 12 CEC members, five are women, including the CEC chairperson. Among the 275 candidates registered for these elections, 58 are women.

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<sup>9</sup> The media outlets are: *BTI* (First National TV channel), *ONT*, *STV*, the Russian Federation channel *RTR v Belarussii* (state-owned TV channels); *BRI* (state-owned radio channel); *Narodnya Gazeta*, *SB – Belarus Segodnya*, *Respublika*, *Zvjazda*, (state-owned newspapers), *Belarusy i Rynok*, *BelGazeta*, *Komsomolskaya Pravda v Belorussii*, *Narodnaya Volya*, *Nasha Niva* and *Obozrevatel* (non-state newspapers).

## **XII. DOMESTIC AND INTERNATIONAL OBSERVATION**

The EC provides for election observation by a wide range of stakeholders; this includes parliamentary deputies, representatives of local administration, political parties, public associations, citizens' groups, labour collectives, media, and international observers. Currently, over 150 domestic observers from NGOs and political parties have been accredited to observe the elections. 141 international observers from 3 organizations have also been accredited by the CEC to date: 63 from the Commonwealth of Independent States (CIS), 21 from the CIS Inter-Parliamentary Assembly, and 57 from the OSCE/ODIHR.

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

The OSCE/ODIHR EOM opened its office in Minsk on 12 August 2008. The Head of Mission has met with the Minister of Foreign Affairs, the CEC Chairperson, the Head of the Presidential Administration, with other state officials, and with main political parties fielding candidates in these elections. Regular contacts have also been established with election commissions, civil society groups, media, international observers from the CIS, the diplomatic community and other interlocutors. A first briefing for Ambassadors of OSCE participating States was held on 22 August. The OSCE/ODIHR has requested the OSCE participating States to nominate 300 short-term observers for election day.