

STATEMENT
by the Commonwealth of Independent States Observer Mission
following the observation of preparation to and conduct of the elections
of members of the House of Representatives of the National Assembly
of the Republic of Belarus of the fifth convocation

Organization of the monitoring and conditions for its conduct

Upon the invitation of the Ministry of Foreign Affairs of the Republic of Belarus, the Commonwealth of Independent States Observer Mission (hereinafter referred to as “the Mission”) monitored the preparation to and conduct of the elections of members of the House of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation (hereinafter referred to as “the elections”).

The Mission started to monitor the electoral campaign on 25 June 2012. Thirty-five observers performed their functions on a long-term basis.

As part of the Mission were accredited 350 observers who represented Republic of Azerbaijan, Republic of Armenia, Republic of Kazakhstan, Republic of Moldova, Russian Federation, Republic of Tajikistan, Turkmenistan, Republic of Uzbekistan, Ukraine, Interparliamentary Assembly of CIS Participating States, Parliamentary Assembly of the Union of Belarus and Russia, as well as CIS Executive Secretariat.

In the City of Minsk was established Mission headquarters which coordinated the work of CIS observers. Its branches also worked in Brest, Vitebsk, Gomel, Grodno and Mogilev.

The work of the Mission was organized in conformity with the laws of the Republic of Belarus, documents adopted in the framework of the CIS, and was based on the universally recognized principles and norms of international law in the area of organization and conduct of elections, non-interference in the electoral process and in the internal affairs of the state.

The Mission worked openly and publicly, its activities were reported in the media, in television and radio broadcasts. The Mission headquarters prepared an interim report on the observation of preparation to the elections, published press releases, information bulletins, held briefings and gave interviews to representatives of mass media, including in the regions of Belarus.

Members of the Mission headquarters discussed the electoral campaign with the leadership of the Supreme Court and the Office of Prosecutor General, representatives of political parties, OSCE/ODIHR experts, Republican Public Human Rights Association “Belarusian Helsinki Committee”.

Head of the CIS Observer Mission Mr. Lebedev met Chairperson of the Central Commission of the Republic of Belarus on Elections and National Referenda Ms. Yermoshina, as well as Head of OSCE/ODIHR Mission Mr. Milososki.

Legislative framework for the conduct of the elections

The elections were held in accordance with the Constitution and the Electoral Code of the Republic of Belarus (hereinafter referred to as “the Code”), other acts of law, as well as the resolutions of the Central Commission of the Republic of Belarus on Elections and National Referenda (hereinafter referred to as “the Central Commission”).

The Mission believes that the Code regulates in detail all stages of the electoral process, consolidates the guarantees of the respect for electoral rights.

CIS observers positively assess the changes introduced in the Code in 2010, regarding the forming of Precinct and District Electoral Commissions, registration of candidates, collection of signatures, electoral campaign, electoral funds of the candidates and the process of early voting.

The Mission notes that the legislative framework established in the country represents a sufficient legal basis for the conduct of free and democratic elections.

Forming of electoral commissions and their work

The elections were conducted by the Central, District and Precinct Electoral Commissions.

The procedure of forming electoral commissions, their legal status are determined by the Code.

The Central Commission consisting of 12 members works on a permanent basis.

District Electoral Commissions (consisting of 9 to 13 members) and Precinct Electoral Commissions (consisting of 5 to 19 members) are established for the period of preparation to and holding of the elections.

Within the time limits established by the Code, 110 District and 6344 Precinct Electoral Commissions were formed, including 43 precinct commissions abroad.

District and precinct commissions were composed of representatives of labour collectives, public associations, political parties, as well as of citizens who filed applications.

CIS observers attended a number of meetings where Precinct Electoral Commissions were formed in the city of Minsk, in Brest, Vitebsk, Gomel, Grodno regions, and note that the commissions were established in accordance

with the Code. Filed to the courts were 26 complaints on the decisions of the bodies which established precinct commissions.

When forming the commissions, the appropriate bodies complied with the provision of the law that, as a rule, at least one third of the members of the commission must be representatives of political parties and other public associations, whereas the number of state officials should not exceed one third of the total composition of a commission.

Besides, the Code provided to political parties an opportunity to second one representative each to the Central Commission as its member with the right of an advisory vote. Of such opportunity 7 political parties took advantage. Given that the Belarusian Popular Front Party and the United Civic Party at their congresses decided not to take part in the elections, the Central Commission ceased the powers of the members with the right of an advisory vote from those parties.

The meetings of the Central Commission were held in the presence of international observers, domestic observers from political parties and other public associations and were widely broadcast in mass media.

The observers note that the work of the Central Commission was based on collegiality, free and open discussion on the issues within its purview.

After the District and Precinct Electoral Commissions were formed, seminars and training were organized on the organization and conduct of the elections to improve the capacity of commission members.

Long term observers note that during the training the procedure of early voting and election day voting was being modeled, practical recommendations were worked out for the members of precinct commissions pertaining to the implementation of the Code, ensuring democratic nature and openness of the electoral process, transparency of the vote count.

In the framework of the monitoring of the electoral campaign, CIS long-term observers visited all 110 District Electoral Commissions. The observers were given an opportunity to get familiar with the protocols of meetings of the commissions, documents pertaining to the electoral campaign, to speak with members of the commissions.

To secure uniform implementation of the norms of the Code, the Central Commission prepared manuals for District and Precinct Electoral Commissions.

The observers point out that the electoral commissions were supplied with the acts of legislation on elections and with the necessary guidelines.

For the election day the premises of precinct commissions were equipped with a sufficient number of booths for secret vote, over 27,000 ballot boxes were installed, including 1777 transparent boxes.

Nomination and registration of parliamentary candidates

According to the Code, the right to nominate parliamentary candidates belongs to the political parties, registered by the Ministry of Justice of the Republic of Belarus, labour collectives as well as to citizens by way of collecting signatures.

For the first time, political parties were able to nominate candidates in all regions regardless of whether they maintain a regional office in the region.

494 citizens filed applications to the District Electoral Commissions for registration as candidates to the members of the House of Representatives of the National Assembly of the Republic of Belarus (hereinafter referred to as “the House of Representatives”), 9 of the citizens withdrew the applications for nomination before their consideration.

Long term observers note that the initiative groups were registered within the established time limits. The collection of signatures was conducted by way of door-to-door visits and pickets in the streets.

In the opinion of the Mission, the nomination and registration of parliamentary candidates were held within the framework of the electoral law, in line with the principles of alternative and competitiveness.

Long term observers were present at every third session of District Electoral Commission during the registration of parliamentary candidates. In their opinion, equal legal conditions were provided for all the contestants and the same requirements were applied to their registration. The sessions were held in an orderly manner and in the presence of both international and domestic observers, members of the commissions behaved properly with the candidates.

The contestants running for the parliamentary mandates that had been denied were explained their right to file complaints to the Central Commission. Of such opportunity took advantage 56 out of 122 persons.

Due to the expiry of the terms specified for appealing the decision of a District Commission, the Central Commission left 4 complaints without consideration. 52 complaints were considered in essence, of these 11 were satisfied.

The Supreme Court of the Republic of Belarus considered 17 complaints concerning the decisions of the Central Commission denying parliamentary candidates' registration, one complaint was recognized as justified and satisfied. Representatives of the CIS Mission were present at the hearings of the Supreme Court.

Besides, 16 parliamentary candidates withdrew after having been registered.

358 persons continued the contest for parliamentary mandates. However, after the congresses of the United Civic Party and the Belarusian Popular Front Party decided to withdraw the parties' parliamentary candidates, the total

number of contestants went down to 293. In this connection the number of constituencies with only one candidate running for parliamentary mandate went up from 4 to 16.

Electoral campaign and media coverage of the electoral campaign

Electoral campaign of parliamentary candidates took place between 23 August and 22 September.

In the Mission's opinion, candidates were granted equal opportunities for campaigning.

According to the resolution of the Central Commission "On media usage during the preparation to and conduct of the elections of members of the House of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation", a candidate had the right to publish his/her electoral program in one of the national newspapers – "Zvyazda", "Narodnaya Gazeta", "Respublika", "Belorusskaya Niva" or in the regional newspaper.

Moreover, a candidate had the right to one free of charge statement on the state television (up to 5 minutes) and one – on the radio (up to 5 minutes).

Time slots on working days from 27 August to 14 September 2012 on TV from 19.00 to 20.00 and on the radio from 18.00 to 19.00 were distributed among the candidates by draw. In case of insufficient time slots for radio statements, radio station "Stolitsa" allocated additional time slots from 17.00 to 18.00 for candidates running in the districts in the territory of the city of Minsk and Minsk region.

For the first time the candidates were allowed time for holding debates on TV or radio. However, according to the observers, the debates did not become widespread. 30 debates were held on TV, 37 – on the radio.

More than 80 candidates used their right to buy additional airtime and printing space for campaigning in the media from their own electoral funds.

The Advisory Board on Control over the Rules and Procedures of the Campaign in the Media (hereinafter referred to as "the Advisory Board") was established under the auspices of the Central Commission. It examined 10 complaints. Members of Mission attended its sessions.

Noting a calm atmosphere of the campaign in general, the Mission states that some isolated violations of the electoral campaign took place. In a number of districts, the cases of damage or destruction of campaign printed materials were observed. According to the Ministry of Internal Affairs, there were detected some cases of distribution of campaign printed materials without publisher's data or incomplete data.

The Advisory Board after considering applications of TV channel "Belarus 2", CJSC "Stolichnoe Televidenie" as well as television and radio company "Mogilev" regarding the compliance of the statements of candidates

N.Koleda, A.Agafonov, V.Molochko, M.Hatari with the provisions of electoral law, stated that those statements could not be referred to electoral campaign, as stipulated in Article 155 of the Code.

The Central Commission concurred with the findings of the Advisory Board.

In connection with the emerged issue on possibility for the candidates' authorized representatives, who run in the election themselves, to participate in the debates, the Central Commission adopted a resolution "On clarification of appliance of provisions of the Electoral Code of the Republic of Belarus providing for holding debates of the candidates of members of the House of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation".

The resolution reads that the participation on the said authorized representatives in the debates is a violation of the principle of equal legal conditions of candidates' campaigning activities, and clarified that the parliamentary candidates who simultaneously have the status of authorized representatives of other parliamentary candidates, do not have the right to participate in the debates as authorized representatives.

In the Mission's opinion, to avoid such situations certain provisions of the Code concerning election campaign could be defined more concretely.

For the period of electoral campaign, local executive and administrative bodies upon agreement with the district commissions designated the locations where candidates could conduct their campaign activities, meet their voters: open sites, culture halls and houses, conference halls of educational establishments and enterprises. Information stands were set up in the cities and towns to place campaign materials of the candidates.

The observers note active awareness-raising work in the Republic of Belarus to inform the voters about the upcoming elections. Addresses and phone numbers of District Electoral Commissions were published on the Central Commission's website and in printed media. The decisions of local executive and administrative bodies related to district boundaries were published in local media.

Electoral commissions distributed notifications to the voters about the election date and the possibility of early voting.

Videos about the procedure of early voting and voting on the election day were broadcast on television. The posters, billboards, announcements in the public transport were used to inform the voters about the election date.

The Mission is of the opinion that the Central Commission, district and precinct commissions undertook all necessary measures to prepare and conduct the elections on the high organizational level.

Voters lists

The lists of citizens eligible to vote in accordance with the Code were compiled for each precinct by local authorities and forwarded to precinct commissions.

Members of precinct commissions updated the lists by means of visiting the voters at their place of residence and requesting vital statistics offices, military registration offices, housing and municipal agencies and citizenship and migration departments of the Ministry of Interior.

According to the Central Commission, the total number of voters on the election day made up 7.037 million.

The voters could familiarize themselves with the lists at the premises of precinct commissions starting from 7 September. Each citizen was given a right to complain against his/her non-registration, incorrect registration or exclusion from the list.

The citizens who were eligible to vote but who settled in the precinct after the list had been prepared, as well as the citizens not registered for some reason, were additionally registered by the electoral commissions on the basis of the documents proving their identity and residence in the precinct.

In the Mission's view, the registration procedure of the voters in the Republic of Belarus guarantees the realization of the universal suffrage principle.

Consideration of complaints and appeals

The headquarters of the Mission closely interacted with the authorities competent to review the complaints and appeals related to violations of the electoral law.

According to the Office of the Prosecutor General, the prosecutor's bodies received 79 complaints on the implementation of the electoral law. All complaints were considered, with relevant decisions issued. No criminal cases were initiated with regard to the facts of violations of the electoral law.

According to the Supreme Court of the Republic of Belarus, the Belarusian courts received 96 complaints related to the electoral process. In 55 cases the initiations of the cases were denied, 41 complaints were considered in essence. Of these 41, one complaint was satisfied, 40 complaints were denied satisfaction.

According to the Ministry of Interior, militia officers detected five violations of electoral law and 10 violations of law on the election-related mass events.

The Central Commission received 477 appeals from the citizens. Of these, 83 were not related to the preparation and conduct of the elections. All

appeals were considered within the established time periods, and responses were sent to the applicants.

All information was provided to the Mission headquarters as of 22 September 2012.

CIS observers state that the complaints related to violations during the electoral campaign were considered in accordance with the legislation of the Republic of Belarus.

Voting and vote counting observation

According to the Code, the voters that were unable to be present at the places of their residence on the election day could vote early from 10.00 till 14.00 and from 16.00 till 19.00 in the premises of the precinct commission with no less than two of its members present.

The representatives of the Mission observed the early voting procedure at 378 polling stations and state that it was held in compliance with the Code.

According to the Central Commission, 26 per cent of the voters exercised their right to vote early.

On the election day the voting was monitored by around 20 thousand domestic observers, accredited by district and precinct commissions.

In the opinion of CIS observers, the participation of such a number of domestic observers in the monitoring of the elections made it possible to strengthen civil control over the electoral process.

On the election day, the representatives of the Mission visited 3 074 polling stations in all 110 constituencies. In the voting premises the information materials about the parliamentary candidates were placed in plain view. At the precincts visited by the members of the Mission the voting took place in a calm atmosphere, in compliance with the requirements of the law.

At the same time CIS observers noted isolated flaws. In particular:

the case when members of one family were simultaneously present inside a polling booth (precinct No 4, district No 70);

the information stand in the voting premises lacked protocol of early voting (precinct No 32, district No 62).

At several polling stations the members of the Mission recommended to exhibit information materials about the parliamentary candidates in plain view, as well as to ensure that ballot boxes could be observed without hindrance. The mentioned shortcomings were being immediately corrected.

Representatives of the Mission observed vote count and noted that the procedure was conducted in an open manner. The observers were given a real opportunity to observe in the conditions that guarantee transparency of the vote counting procedure.

Conclusions

The Mission states that the electoral campaign in the Republic of Belarus was held in an orderly manner, in a calm atmosphere. The authorities and electoral commissions of all levels ensured the exercise of electoral rights of the citizens of the country.

The Mission of the Commonwealth of Independent States comes to the following conclusions:

the elections of 23 September 2012 were held in accordance with the Constitution and the Electoral Code of the Republic of Belarus;

the elections complied with the universally recognized democratic norms, were transparent and open and ensured free expression of the will of the citizens of the Republic of Belarus.