



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Belarus – Parliamentary Elections, 11 September 2016

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 11 September parliamentary elections were efficiently organized but, despite some first steps by the authorities, a number of long-standing systemic shortcomings remain. The legal framework restricts political rights and fundamental freedoms and was interpreted in an overly restrictive manner. There was an overall increase of candidates, including from opposition, but the campaign lacked visibility. Media coverage of the campaign did not enable voters to make an informed choice. Following a timely invitation, the authorities exhibited a welcoming approach towards international observers. The composition of election commissions was not pluralistic, which undermined confidence in their independence. Early voting, counting and tabulation procedures were still marred by a significant number of procedural irregularities and a lack of transparency.

The constitutional and legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and other international obligations and standards. In February 2016, an Inter-agency Working Group was established to consider prior OSCE/ODIHR recommendations, signaling a willingness to engage in electoral reform. Based on the Group's proposals, the Central Election Commission (CEC) adopted six resolutions addressing a few technical aspects of the process, including publishing information about election commission sessions, decisions on electoral disputes, and election results at district level, as well as enhancing observer rights. Nonetheless, a number of key long-standing OSCE/ODIHR and Council of Europe Venice Commission recommendations remain unaddressed, underscoring the need for comprehensive electoral reform as part of the broader democratization process, in co-operation with international partners.

The four-tiered election administration, led by the CEC, made technical preparations and passed decisions within legal deadlines. However, only a negligible number of election commission members were appointed from opposition nominees. In addition, the local executive authorities had a dominant presence in leadership positions within the election administration. These factors limited confidence in the impartiality and independence of the election administration.

The CEC announced a total of 6,990,696 registered voters. Voter lists are updated by Precinct Election Commissions (PECs) based on data provided by local authorities. The absence of a centralized voter register that could be used for cross-checking against multiple registrations, along with an overly permissive system for registering voters on election day, resulted in a lack of safeguards against multiple-voting.

Out of 630 nominated candidates, 484 eventually stood for election, including a significant number from the opposition. No candidate was elected unopposed. Despite an overall increase of candidates, the legal provisions for candidate registration allowed for selective implementation. Ninety-three prospective candidates were not registered mostly due to inaccuracies in asset and income declarations, an insufficient number of valid support signatures and failure to submit supporting documentation. This approach was overly restrictive, posing disproportionate and unreasonable barriers to candidacy, contrary to OSCE commitments and other international standards and good practice.

Restrictions on fundamental freedoms of association, expression and assembly narrow the public space and negatively affected the environment in which the elections were held. Although a high number of candidates chose not to actively campaign, contributing to broad voter apathy, most were generally able to campaign freely within the confines of the law. On a positive note, the CEC instruction for a more permissive allocation of public venues was followed by many local authorities. However, unequal access to state and public institutions and resources skewed the playing field for candidates. Several candidates stated that the abolishment of direct public campaign funding in 2013 reduced their outreach capacities. Collectively, this limited the choice available to voters and their ability to make an informed decision.

Media regulations are strict. Criminal offences of defamation, libel, insult and a ban on calls for election boycott, including for online media, are contrary to international standards and challenge freedom of expression. During the campaign, news programmes on state-owned media focused largely on the activities of the President, and other state officials as well as political statements of the CEC Chairperson. Coverage of candidates' campaign activities, meanwhile, was virtually absent and largely limited to short pre-recorded speeches. Overall, media coverage of the campaign narrowed the opportunity for voters to effectively receive candidate information.

For the first time, warnings issued to candidates could be challenged in court. However, the electoral dispute resolution process, as currently implemented, lacks transparency and does not ensure effective legal redress in line with OSCE commitments and other international standards. More than 767 applications and complaints were filed with the election commissions, local authorities and courts; most on the activities of election commissions, campaigning and observer activities, and early voting. Most complaints were not reviewed in public sessions and, contrary to the law, very few decisions were published.

Women are well-represented in the election administration, but less so in political life. There are no special measures to enhance women's representation, and women constituted 25 per cent of candidates in these elections.

In an inclusive process, more than 827 international and 32,105 citizen observers were accredited. Most citizen observers represented state-subsidized public associations, which had also engaged in active campaigning of pro-government candidates. Recent CEC resolutions granted observers the right to obtain voter list information, to be placed closer to the counting table and to observe the handover of PEC result protocols. However, there are still undue legal limitations on observers and a tendency towards restrictive interpretation of their rights by the election administration. Observers were not allowed to observe all activities of election commissions, to inspect voter lists, or to receive certified copies of precinct and district result protocols.

Election day generally proceeded in an orderly manner and voting was largely assessed positively. However, serious procedural deficiencies, inconsistencies and irregularities were observed during early voting, counting and tabulation. A large number of observers were not allowed to check voter lists, but when they could, a significant number of seemingly identical signatures were observed. The count was assessed negatively in a considerable number of cases. Despite a CEC resolution to enhance observer access, this was not followed in all polling stations. The tabulation process was assessed negatively, primarily due to procedural irregularities and a lack of transparency.

PRELIMINARY FINDINGS

Background

The 11 September elections for the 110-seat House of Representatives, the lower chamber of parliament, were called by the President on 6 June. Fifty-six of the 64 members of the upper chamber, the Council of the Republic, will be elected by the legislative councils at regional and Minsk city levels between 25 August and 13 September.¹

The political system concentrates most decision-making power in the office of the president, who shares legislative power with the parliament, thus limiting the effective separation of powers.² The outgoing legislature included no members of the opposition, and only five members represented political parties; all others were nominated by labour collectives and initiative groups of voters.³ Twenty-eight members of parliament (MPs) stood for re-election.

The role of political parties is weak. There are fifteen registered political parties, as well as parties and groupings that function without formal registration. Despite numerous applications, no new party has been registered since 2000, thus challenging paragraph 7.6 of the 1990 OSCE Copenhagen Document.⁴

Electoral System and Legal Framework

The House of Representatives is elected for a four-year term through a one-round majoritarian system in 110 single-mandate constituencies. Candidates need to receive a majority of votes cast to be elected. There is a 50 per cent turnout requirement at the constituency level for the election to be valid, and, if necessary, repeat elections are to be held within three months.

The primary legislation regulating parliamentary elections consists of the 1994 Constitution and the 2000 Election Code.⁵ Following legal amendments in 2013, the absolute majority system was replaced by relative majority, the requirement for a second round was abolished, and candidates could be nominated in only one constituency. In February 2016, an Inter-Agency Working Group was established to consider prior OSCE/ODIHR recommendations on improving the electoral process, signalling a willingness to engage in electoral reform.⁶ It submitted to the CEC seven proposals on

¹ The president appoints the remaining eight members.

² The president has the right to adopt binding decrees and to initiate laws, to veto draft laws or provisions thereof and to revoke laws adopted by parliament. The outgoing parliament initiated only 3 of the 417 adopted laws. In 2016, 26 laws were initiated by the government, 6 by the president and none by parliament.

³ Three represented the Communist Party of Belarus (CPB), one the Republican Party of Labour and Justice (RPLJ) and one the Agrarian Party. Some 67 MPs were members of the *Belaya Rus* public association.

⁴ Paragraph 7.6 of the [1990 Copenhagen Document](#) refers to “the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities.” See also paragraph 27 of the United Nations Human Rights Committee (UNHRC) General Comment No. 25 to the International Covenant on Civil and Political Rights (ICCPR).

⁵ Other applicable legislation includes the Laws on Mass Media, on Mass Events, on Political Parties, on the Applications of Citizens, the Criminal Code, the Code of Administrative Offences and the Civil Procedure Code (CPC) as well as CEC resolutions.

⁶ The Inter-agency Working Group was established by a CEC resolution and comprised one CEC member, deputies of the National Assembly, representatives of the Secretariats of the House of the Representatives and the Council of the Republic, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Information and National Centre for Legislation and Legal Research.

some technical aspects. The CEC adopted six resolutions, addressing some of these proposals, including publishing on the Internet information about sessions of election commissions and decisions on electoral disputes, election results at region (*rayon*), city and city rayon level and enhancing observer rights.⁷

The constitutional and legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and international standards.⁸ A number of key long-standing OSCE/ODIHR and the Council of Europe Venice Commission recommendations remain unaddressed, underscoring the need for comprehensive electoral reform as part of the broader democratization process. Key shortcomings include unbalanced election commissions with strong influence of the executive and insufficient transparency; undue restrictions on candidacy rights; lack of procedural safeguards for voting, counting and tabulation; and unclear provisions on complaints and appeals. Moreover, there is a tendency for an overly formalistic interpretation of the law, whereby anything not explicitly allowed is forbidden.

The legal framework contains undue restrictions on fundamental freedoms of association, expression and assembly as well as other civil and political rights. Restrictions include wide discretionary powers to deny registration or de-register political parties and public associations; criminalization of unregistered activities of human rights organisations; criminal and administrative offences for defamation, libel, insult as well as calls or acts to disrupt, cancel or postpone elections; a burdensome procedure for holding public assemblies; and disproportionate sanctions for unauthorised meetings.⁹

Election Administration

The elections are administered by a four-tiered structure consisting of the CEC, 6 Oblast and the Minsk City Election Commissions (OECs), 110 District Election Commissions (DECs) and 5,971 Precinct Election Commissions (PECs). For the first time, OECs were introduced to supervise the activities of DECs and PECs and review complaints against their decisions. Technical arrangements for the elections were administered efficiently and in compliance with legal deadlines. DEC and PEC trainings were conducted as well as various voter education activities. Women were well-represented in the election administration, constituting 71 per cent of PEC, 57 per cent of DEC, and 39 per cent of OEC members. Four out of 12 CEC members are women, including the Chairperson.

The CEC is a twelve-member permanent body with a five-year mandate, while lower-level commissions are temporary bodies appointed for a particular election. Six CEC members are appointed by the president and six by the Council of the Republic, challenging the autonomy of the election administration.¹⁰ Since the call of elections, the CEC adopted 18 resolutions published on its website. It held four public sessions open to observers and media representatives. Decisions were generally adopted unanimously and without substantive discussion. The workload was mostly undertaken by the CEC staff and two CEC members, whereas the remaining members were not

⁷ CEC Resolutions No. 9, 10 of 17 May 2016 and 18, 20, 21, 22, of 8 June 2016.

⁸ See [all previous OSCE/ODIHR reports on Belarus](#) and [the 2010 Joint Opinion of the OSCE/ODIHR and the Venice Commission](#) on the amendments to the Electoral Code of the Republic of Belarus.

⁹ See [Report of the Special Rapporteur on the situation of human rights in Belarus, 21 April 2016](#), Reports of the UN Human Rights Council Working Group on the Universal Periodic Review Belarus [2015 A/HRC/30/3](#) and [2010 A/HRC/15/16](#) and the 2012 [Joint Opinion of the OSCE/ODIHR and the Venice Commission on Law on Mass Events](#).

¹⁰ See [the 2006 Joint Opinion of the OSCE/ODIHR and the Venice Commission](#) on the electoral legislation of the Republic of Belarus.

engaged full-time. The CEC Chairperson made a number of biased public statements that undermined the perception of impartiality of the election administration.¹¹

OEC, DEC and PEC members are nominated by political parties, public associations, labour collectives and initiative groups of at least ten voters. According to the law, not more than one third of election commission members can be civil servants, at least one third should be political party and public association nominees, and each nominating body may have only one member in an election commission. Although the formula for the composition of election commissions offers the opportunity to political parties and others to nominate members, it does not guarantee their appointment and, hence, a pluralistic composition of commissions.¹² Moreover, the CEC introduced the “professional and political qualifications” of a nominee as criteria of membership to an election commission. This concept was subject to diverse interpretation by local authorities, which claim to prioritize selection based on merits rather than achieving broad political representation.¹³ Only a negligible number of commission members were from opposition nominating bodies.¹⁴

DECs generally did not hold regular public sessions and their work was largely supported by the local executive authorities. Almost all DECs were located in the premises of local authorities. Officials or employees of the local executive authorities were often DEC members, including in leading positions.¹⁵ On several occasions, DEC and PEC trainings were conducted with the involvement of senior officials of local executive authorities, who were also DEC members.¹⁶ These practices raise concerns about the independence of the election administration from the executive.¹⁷ Most political parties informed the OSCE/ODIHR Election Observation Mission (EOM) that they did not see a value in nominating DEC members with the right of advisory vote, as provided by law.¹⁸

Voter Registration

Citizens who are 18 years old by election day have the right to vote at the precinct where they reside. Individuals declared incompetent by a court decision, imprisoned with criminal conviction, in police custody or in pre-trial detention are not eligible to vote, regardless of the gravity of the crime or the

¹¹ For instance, the CEC Chairperson in [her interview to CTV channel](#) on 18 August 2016 stated: “Because our political parties strive for power, especially the opposition. And they admit anyone. They do not care much if a person is reputable. The main thing is bayonets (people). So, among those bayonets, there are really weird people, not ordinary. Not always adequate.” The CEC Chairperson was also quoted by [Interfax Agency](#) on 15 August 2016 saying that “The opposition is preparing for defeat; this is why it needs to discredit the electoral system.”

¹² [The 2010 Joint Opinion of the OSCE/ODIHR and the Venice Commission](#) on the amendments to the Electoral Code of the Republic of Belarus identified this as a “major flaw in legislation”.

¹³ See paragraph 25 of [the 2010 Joint Opinion of the OSCE/ODIHR and the Venice Commission](#) on the amendments to the Electoral Code of the Republic of Belarus.

¹⁴ Opposition nominees amounted to less than 0.1 per cent of the total 65,856 PEC members. PEC members included only 53 (10.4 per cent) out of the 514 nominees of 4 opposition parties BPF, Party of the Left “Just World”, BSDP “Hramada” and UCP. In contrast, 3,356 (96.9 per cent) out of 3,463 nominees of the remaining 5 political parties and 24,082 (94.2 per cent) out of 25,546 nominees by 5 state-subsidized public associations were appointed.

¹⁵ In 92 of the 110 DECs, at least one of the top three positions (Chairperson, Deputy Chairperson, Secretary) was held by a local authority official.

¹⁶ As observed, for example, in Homiel and Minsk . On one occasion (DECs 91, 92 and 93), the PEC training was conducted by a senior official of *Zavodskoi rayon* administration of Minsk city, who was not a DEC member.

¹⁷ By law, the local executive authorities are appointed by, and subordinate to the president.

¹⁸ The BNF nominated 8 and RPLJ 5 members. The UCP, BSDP *Hramada*, CPB, and Belarusian Party of Left “Fair World” did not nominate any members.

length of the sentence, challenging the principle of proportionality.¹⁹ On 23 August, the CEC partially addressed it by passing a resolution granting voting rights to citizens under arrest for convictions of up to three months.

There is no centralized voter register, effectively excluding the possibility for cross-checking against multiple registrations. Voter lists are compiled for each precinct by the respective local authority and updated by the PEC. From 26 August, voter lists were available at polling stations for voters to verify their records and request changes. Voters can be added to voter lists prior to and on election day, upon presenting proof of residence, without a court decision, which does not safeguard against multiple registration and multiple-voting.²⁰ Voter lists were not available for public scrutiny by observers and other electoral stakeholders, on data protection grounds. As of 26 August, the total number of registered voters was 6,990,696, including 4,403 out-of-country voters.

Candidate Registration

Eligible voters who are 21 years old by election day and have permanent residence in Belarus may stand for election. Individuals with an unexpunged criminal record are not eligible, which constitutes a disproportionate restriction of suffrage rights.²¹ A candidate may be nominated by a political party, labour collective, an initiative group of at least ten voters with at least 1,000 supporting signatures, or any combination of these means.

Out of 630 nominated candidates, 521 were registered and 16 withdrew before registration.²² Despite an overall increase of candidates, including from the opposition, the legal provisions for candidate registration allowed for selective implementation. Ninety-three nominees were denied registration, 38 of which because of inaccuracies in their financial declarations; 34 because of invalid or an insufficient number of valid signatures; 17 because of a failure to submit all required documentation; 2 because of an unexpunged criminal record; and 1 for having received warnings and 1 for failing to meet the residency requirement. The OECs and the courts overturned 4 of 34 challenged denied registrations. Additionally, 40 registered candidates later withdrew. In total, 308 out of 484 candidates standing in these elections were nominated by 9 political parties.²³ Most of the candidates nominated by labour collectives and initiative groups were members of public associations, including those that are state-subsidized.²⁴ No candidate was elected unopposed.

¹⁹ Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will “guarantee universal and equal suffrage to adult citizens,” while paragraph 24 provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law.” See also Paragraph 14 of the UNHRC General Comment No. 25 to the ICCPR and Section I.1.1.1.d.iii of the 2002 Council of Europe Venice Commission’s Code of Good Practice in Electoral Matters (Code of Good Practice).

²⁰ Section I.1.1.2. iv of the Code of Good Practice recommends that “In any event polling stations should not be permitted to register voters on election day itself.”

²¹ Section 1.1.d of the Code of Good Practice recommends that the “deprivation of the right to stand for election must be based on a criminal conviction for a serious offence.”

²² Of the 521 registered candidates, 298 were nominated by political parties, 24 by labour collectives, 77 by initiative groups. Eighty-nine were jointly nominated by initiative groups and labour collectives, 21 jointly by initiative groups and political parties, and 12 by all three means.

²³ In addition, candidates affiliated with the public association For Freedom Movement (FFM), the non-registered Tell the Truth! (TT) campaign and the Belarusian Christian-Democracy (BCD) were nominated by initiative groups, political parties or both.

²⁴ Eighty-four candidates were members of the *Belaya Rus* public association, which stated its support of an additional fifteen candidates. A number of candidates were members of the Belarusian Republican Youth Union (BRSM) and other state-subsidized public associations.

Out of 129 registered women candidates 114 eventually stood for election. There are no special measures in place to increase women's participation, and nominating bodies are under no obligation to nominate women candidates, at odds with a prior OSCE/ODIHR recommendation.

DECs are responsible for registering candidates and have wide discretionary powers in this process, which raises concerns about an inconsistent application of the law and unequal treatment of candidates.²⁵ DECs often applied an overly restrictive interpretation of the law and a formalistic approach by not enabling nominees to correct shortcomings in their applications, including on their asset declarations, as prescribed by law.²⁶

The rules for signature verification are unclear and allow for arbitrary decisions by DECs, which cannot be challenged.²⁷ Contrary to good practice, DECs were required to check only a sample of the submitted supporting signatures.²⁸ Citizen observers informed the OSCE/ODIHR EOM that they were not allowed to observe most aspects of candidate registration, including the verification of signatures and financial declarations, thus reducing stakeholder confidence in key aspects of the process. Overall, the legal provisions for candidate registration and their implementation allow for selective and arbitrary decisions, providing insufficient transparency and posing disproportionate and unreasonable barriers to candidacy, thus contravening paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document and other international standards and good practice.²⁹

Campaign Environment

The campaign began after the registration of candidates, which was completed on 11 August, and ended at midnight on 10 September. It took place in a highly regulated environment. Restrictions on fundamental freedoms of association, expression and assembly narrow the public space and negatively affected the environment in which the elections were held. Candidates and their proxies were able to campaign freely within the confines of the law. They were able to hold public assemblies after submitting notification to the appropriate local authorities, which designated locations for campaign events and for the display of campaign materials.³⁰ On a positive note, the CEC instruction for a more permissive allocation of public venues was followed by many local authorities. Some candidates complained to the OSCE/ODIHR EOM that their competitors pre-booked campaign venues for

²⁵ According to Article 68.1 of the Election Code, grounds for the mandatory denial of registration include: unexpunged criminal record, missing documentation, use of foreign funds and insufficient number of valid signatures. Grounds for optional denial include: inaccurate income and asset declaration, abuse of office for election purposes, misuse of administrative resources, rewarding or coercing voters during signature collection and repeated warnings received by a candidate or an initiative group.

²⁶ Such shortcomings included submitting non-certified documents, although there is no legal requirement for certification, grammatical mistakes in documents or a failure to submit a copy of the nominating political party's charter. Article 66 of the Election Code allows candidates to make corrections to income and asset declarations, but DECs are not obliged to notify candidates about inaccuracies.

²⁷ DECs verify 20 per cent of the required minimum number of signatures (200 of 1,000). If more than 30 (15 per cent) are invalid, DECs examine an additional 150 signatures (15 per cent of the 1,000). If the total number of invalid signatures exceeds 53 (15 per cent of the 350 verified signatures), registration is denied, even if the candidate still has over 1,000 valid signatures.

²⁸ Section I.1.3.iv. of the Code of Good Practice states that the checking of signatures should be governed by clear rules, it must cover all signatures and once it has been established that the requisite number of signatures has been verified, the remaining signatures need not be checked. See also the [European Court of Human Rights judgment Tahirov v. Azerbaijan, Final judgment 11/09/2015.](#)

²⁹ Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides that participating States will respect the right of citizens to seek political or public office without discrimination. Paragraph 15 of the UNCHR General Comment No.25 to the ICCPR states that "any restrictions on the right to stand for election...must be justifiable on objective and reasonable criteria." Section I.1.1.d.iii. of the Code of Good Practice states that the proportionality principle must be observed when depriving an individual of the right to be elected.

³⁰ In addition, candidates may use their own campaign funds to rent premises for meetings.

extended periods of time, while some others deemed the allocated locations unsuitable for campaign purposes.³¹

DECs compile data and publish candidate information posters, which are distributed to voters and displayed inside polling stations and in designated locations. Several candidates criticized the practice of standardization of biographic data without the candidates' ability to edit its content.³² For the first time, candidates' criminal records were included on joint information posters, with a potential to stigmatize candidates. A number of printing houses refused to print candidates' own campaign materials or deferred printing to a specific authorisation from the DEC.³³

The misuse of administrative resources resulted in unequal opportunities for candidates. For example, OSCE/ODIHR EOM observers noted that some candidates enjoyed privileged access to state enterprises and state institutions for campaign events with some cases of employees pressured to attend.³⁴ Representatives and members of state-subsidized public associations campaigned actively for some candidates.³⁵ Some outgoing MPs who sought re-election used the parliament's website for campaign purposes. Many DEC and PEC members acted as moderators for campaign events, with some displaying biased attitudes towards different candidates during such meetings.³⁶ These noted instances contravene Article 73 of the Election Code and paragraph 7.6 of the 1990 OSCE Copenhagen Document.

DECs issued a number of warnings to candidates, including for not submitting notification of a campaign event, failing to include imprint data on campaign materials or for not taking leave from their place of employment for the duration of the campaign, which in one case led to deregistration.³⁷ A number of candidates and activists were also subject to administrative fines for participating in unauthorized events during the campaign period.³⁸ Some OSCE/ODIHR EOM interlocutors indicated that the recent arrest of an alleged participant in election-related protests in December 2010, as well as the filming of signature collection and campaign events, as also witnessed by the OSCE/ODIHR EOM, served to intimidate candidates and voters.³⁹ These practices raised concerns about voters' ability to cast their vote "free of fear of retribution" as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

The low-level of campaign visibility overall and an apparent public disinterest in the elections, manifested in part by a limited turnout at many of the 39 observed campaign events, raised concerns about voters' ability to make an informed choice. Many candidates did not campaign, with some OSCE/ODIHR EOM interlocutors expressing doubt over their genuineness.⁴⁰ Campaign methods included picketing or holding small meetings with voters, displaying posters in shop windows, and door-to-door distribution of campaign flyers. A small number of billboards appeared in the last two

³¹ The former was reported in Minsk and Orša, the latter in Viciebsk and Orša.

³² A candidate in Orša, leader of the Belarusian Party of the Left 'Fair World', filed a complaint with the DEC on the deletion of parts of his biography on the DEC information poster. Similar cases were reported in Homiel, Hrodna, Mahilioŭ, Mazyr, Minsk and Pinsk.

³³ Observed in Mahilioŭ and Minsk.

³⁴ Observed in Babrujsk, Homiel, Mahilioŭ, Minsk, Orša, Pinsk and Sluck.

³⁵ Observed in Baranavičy, Brest, Homiel, Hrodna, Mazyr, Minsk and Viciebsk.

³⁶ Observed in Babrujsk, Baranavičy Mahilioŭ, Minsk and Mozyr.

³⁷ An LDP candidate in District 12 was deregistered for not taking a leave of absence.

³⁸ For instance, a UCP candidate in Minsk received a total of three fines during signature collection. In addition, three other candidates were charged with participation in an unsanctioned event during signature collection. Charges were later dropped, but the investigation was again reopened a week before the elections.

³⁹ Reported in Homiel, Minsk, and Pinsk. In June 2016, another alleged participant in the December 2010 protests was arrested and charged with rioting.

⁴⁰ Reported in Brest, Homiel, Mahilioŭ, Minsk, Pinsk and Viciebsk.

weeks before election day. Publishing opinion polls is prohibited in the last five days before election day.⁴¹

Although the law allows for free and full discussion of electoral programmes, speaking on the state broadcaster *BTI* on 18 August, the CEC Chairperson warned candidates against campaigning on political party platforms rather than their constituency topics.⁴² Some contestants expressed a very low level of confidence in the integrity of the electoral process and noted that their participation was primarily aimed at making use of outreach opportunities that are otherwise unavailable outside of the campaign period. The Centre Right Coalition partners representing the opposition UCP, FFM and the non-registered BCD issued a statement signed by over 70 candidates denouncing the conduct of the elections, the limited role of parliament, and the ongoing suppression of freedoms of assembly, association and expression.⁴³

Campaign Finance

These were the first parliamentary elections with no direct public campaign funding available to candidates and several OSCE/ODIHR EOM interlocutors cited lack of adequate funding as a serious impediment to their ability to campaign. Candidates had the right to use their own resources and private donations, up to BYN 105 by an individual and up to BYN 210 by a legal entity.⁴⁴ The total expenditure ceiling for a candidate was BYN 21,000. All financial transactions had to be conducted through dedicated campaign accounts. OECs, DECs and financial authorities were mandated with monitoring campaign finance. Banks were obliged to report to DECs on a weekly basis on campaign fund transactions but this information was not always published, as required by law. Most candidates submitted their financial reports to the DECs ten days prior to the elections, as required by law. They are required to submit a second report to DECs no later than five days after election day. DECs may deregister a candidate who exceeds the spending limit by more than 20 per cent or uses funds outside the dedicated campaign account. Whereas charities, religious and state-funded organizations are not allowed to contribute to campaign funds, several state-subsidized public associations campaigned for some candidates.⁴⁵

Media

The media environment is characterized by a restrictive legislative framework challenging freedoms of expression and the press. The OSCE Representative on Freedom of the Media has called on the authorities of Belarus to facilitate the work of journalists, not obstruct their activities and intimidate them, and to cease imposing restrictive measures on freelance journalists.⁴⁶ Contrary to previous OSCE/ODIHR recommendations, the Criminal Code contains broad provisions on defamation, libel, insult as well as a ban on calls for an election boycott, with restrictions extended to online media. The Ministry of Information has wide discretionary powers to block access to news websites without a court decision.

⁴¹ The independent polling firm IISEPS, operating in Lithuania since its deregistration in Belarus in 2005, ceased all activities in early August after a programme aired on *BTV1* claimed the organization manufactured poll results.

⁴² See [the statement by the CEC Chairperson on tut.by](#).

⁴³ See [the statement by the Centre Right Coalition](#).

⁴⁴ EUR 1 equals approximately BYN 2.18.

⁴⁵ Reported in Minsk, Sluck, Polack, Mahilioŭ, Homiel and Pinsk.

⁴⁶ See statements by the OSCE Representative on Freedom of the Media on [22 December 2014](#), [3 January 2015](#) and [27 January 2016](#).

Private media outlets have a limited impact and, according to many OSCE/ODIHR EOM interlocutors, are frequently subject to pressure by the authorities.⁴⁷ Newspapers are distributed mainly through state networks, which favour state-owned publications and have gradually excluded independent print media from the market. The relative absence of independent broadcast media and growing Internet access allow online media to increasingly serve as an alternative source of political and election-related information. Journalists require accreditation by the Ministry of Foreign Affairs to work for foreign media and Belarusian media based abroad and those working for national media cannot work for foreign media. Citizen journalists, bloggers and freelancers are considered non-journalists and they face fines and pressures if they report from within the country without accreditation and may be charged with illegal production and distribution of mass media products.⁴⁸

The Media Supervisory Board (MSB) oversees media coverage of the campaign, reviews media-related disputes, and issues non-binding recommendations to the CEC and media outlets on the coverage of the campaign. The MSB has eight members, and, including six state-owned media representatives and one from the Belarusian Association of Journalists (BAJ) and is formally chaired by the Deputy Minister of Information. It held three sessions moderated by the CEC Chairperson, who is not a member of the MSB. It reviewed four media-related complaints concerning candidates' electoral programmes, of which two were dismissed and two were addressed by recommendations.⁴⁹ Unlike international observers, citizen observers were not permitted to attend MSB sessions. The composition of the MSB does not ensure impartiality and the lack of systematic media monitoring does not ensure its effectiveness.

From 11 August to 11 September, the OSCE/ODIHR EOM conducted quantitative and qualitative monitoring of 11 media outlets. In addition, it also monitored the content of ten main online news portals.⁵⁰ On the monitored state media, besides free airtime slots, broadcast coverage of candidates' campaign activities was virtually absent from news and political programmes. In primetime, candidates were mentioned collectively with no reference to their names. Election-related coverage focused on procedural aspects of the electoral process and the activities of the election administration and President. Outside of the free airtime given to candidates, monitored state TV channels dedicated 83 per cent of their news coverage to the President and government officials, 16 per cent to the CEC, and 1 per cent to all the candidates together. In contrast, the monitored private media, including online media, covered the campaign with diverse information on the most prominent political figures and events, including reports on cases of censorship of candidates' election materials.

According to CEC regulations, free airtime for pre-recorded addresses and debates should be provided to all candidates in broadcast state media from the time of their registration.⁵¹ All free airtime addresses in state media were concluded by 2 September, which effectively reduced the period for campaigning by this means. Some 70 candidates did not make use of their free airtime, while some

⁴⁷ Administrative methods include selective tax inspections, overly cumbersome licensing and registration requirements, refusal of accreditations, fines, limited access to online media and warnings.

⁴⁸ The Law on Mass Media defines a journalist as an individual regularly contracted by a registered media outlet.

⁴⁹ Both recommendations were addressed to the editor of *Hrodzenskaya Prawdza* newspaper for publishing campaign material before candidates' registration.

⁵⁰ TV channels: *Belarus 1*, *Belarus 3*, *ONT*, *CTV*; Radio channels: *Radio 1*, *Euroradio* and Newspapers: *Zvyazda*, *Narodnaya Volya*, *Sovetskaya Belorussia (SB.Belarus Segodnya)*, *Komsomolskaya Pravda*, and *Biel Hazieta*. Online media outlets: *news.tut.by*, *belta.by*, *charter97.org*, *Interfax.by*, *nm.by*, *euroradio.fm*, *sputnik.by*, *belaruspartisan.org*, *svaboda.org*, *naviny.by*.

⁵¹ Article 46 of the Election Code and CEC Resolution 32 of 28 June which stipulates that from 15 August till 2 September, contestants have the right to a free five-minute pre-recorded speech on state-owned radio and television respectively from 07:00 till 08:00 and from 19:00 till 20:00 and may participate in pre-recorded television debates with the candidates of the same district. They also have the right to have their election programmes published by nationwide and regional state-owned newspapers.

others were denied broadcasting.⁵² Debates were broadcast until 9 September and 227 candidates participated. Some print media outlets edited or refused to publish the electoral programmes of a number of candidates.⁵³ Moreover, the schedules of candidates' airtime addresses and debates were not made available by the majority of state broadcasters. Candidates' free airtime addresses were not streamed nor uploaded on state broadcasters' websites. The implementation of free airtime rules narrowed the possibility of voters to effectively receive candidate information. The absence of candidate campaign coverage in monitored state television and radio programmes did not provide the electorate with the variety of political views needed to make an informed choice.

Complaints and Appeals

The Election Code does not provide for a clear complaints and appeals procedure with a single hierarchical structure. Complaints and appeals may be filed by voters, candidates, their proxies, public associations, political parties and observers to the election commissions, courts and the public prosecutor. However, there are limitations on who can lodge a complaint, depending on the issue. Actions and decisions of election commissions can be challenged at the higher commission and a number of types of decisions can be appealed to the courts. Not all decisions and actions of election commissions may be challenged, including on aspects of candidate registration and election results. For the first time, warnings issued to candidates could be challenged in court. Complaints are filed and reviewed within three days.⁵⁴ Complaints requiring additional verification are reviewed within ten days whereas complaints received on election day should be reviewed immediately.

In the pre-election period, some 767 election-related complaints, applications and appeals were filed with election commissions, local authorities and courts. Of these, some 38 complaints and 21 appeals were filed against denials of candidate registration, and four denials were overturned by the court. An additional 24 complaints were filed against the refusal of nominees to election commissions and all of them were rejected.⁵⁵ Some 191 complaints were filed on the activities of election commissions, 32 on the accreditation and activities of observers 108 on campaign irregularities and 222 on early voting. The Supreme Court heard one appeal on the decisions of the Oblast Court, concerning procedure for calculating terms for lodging election related disputes.⁵⁶

Applications and complaints to the CEC were not discussed in public sessions and were dealt with by CEC staff. While OEC sessions and court hearings took place in open sessions and with formal observance of due process, in many cases the review of complaints was marked by a formalistic application of law.⁵⁷ The CEC published statistics on complaints, but no decisions, as required by law. A few OEC and DEC decisions on complaints were published. Overall, the dispute resolution mechanism, as currently implemented, lacks transparency and does not ensure effective legal redress

⁵² *Belarus 3* denied broadcasting of the two UCP candidates.

⁵³ Paragraph 7.8 of the 1990 OSCE Copenhagen Document states that participating States will "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process." See also, paragraph 20 of UNHRC General Comment No.34(2011) to Article 19 of the ICCPR.

⁵⁴ At least six complaints were dismissed on the grounds that the three day deadline starts on the day of the decision, whereas Article 150 of the CPC prescribes that the deadline starts on the first working day after the decision.

⁵⁵ The courts only assessed whether the local executive authorities followed procedural rules for appointing PEC members. They did not assess whether the criteria for appointment were met.

⁵⁶ Upon an appeal filed by a candidate, the Supreme Court ruled that the three day deadline for lodging an appeal starts immediately when the decision is issued, contrary to Art. 150 of the CPC.

⁵⁷ For instance, the Court dismissed as inadmissible a complaint for being filed by political party's deputy chair.

at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document and Article 2.1 of the ICCPR.⁵⁸

Citizen and International Observers

Citizen observers may be nominated by political parties, public associations, labour collectives and initiative groups. Candidates may not nominate observers, but their proxies may be present.⁵⁹ International observer organizations may not be accredited without a prior invitation by the authorities.

The Election Code prescribes the rights and obligations of international and citizen election observers, which are often subject to an overly restrictive interpretation by the election administration. Unlike international observers, a citizen observer is entitled to observe only at the election commission to which s/he is accredited. Observers are not allowed to observe all activities of commissions and inspect the voter lists, and not entitled to receive certified copies of PEC and DEC protocols.⁶⁰ Recent CEC resolutions granted observers the right to obtain voter list information, to be placed closer to the counting table and to observe the handover of PEC result protocols.

In an inclusive process, more than 827 international and 32,105 citizen observers were accredited.⁶¹ Of them, some 24,000 represented state-subsidized public associations, which were also engaged in campaigning of pro-government candidates. The Right to Choose, Human Rights Defenders for Fair Elections (HRDFE) were the most active non-governmental organizations with about 3,000 observers. These groups carried out long-term observation and published periodic reports on their findings.

Early Voting

The law provides for five days of early voting prior to election day, whereby all voters can vote without any justification.⁶² The IEOM observed the last day of early voting in a systematic manner. On average, two observers from public associations were present in PECs visited, whereas citizen observers from non-governmental organizations were present in 10 per cent. Some 35 citizen observers were denied access, expelled or were stripped of their accreditation.⁶³

The law does not provide for sufficient procedural safeguards. In 8 per cent of the cases, observers reported that the ballot box was not sealed securely and in 45 per cent that it was not secured in a safe or metal box, as required by law. Contrary to the law, 16 per cent of the observed PECs recorded the aggregated rather than the daily turnout figure in the daily protocols, in 17 per cent the daily protocols were not posted in public display and in some 7 per cent of PECs observers were not allowed to make photos of them, contrary to the law. At the close of early voting, the CEC announced a turnout of 31

⁵⁸ Paragraph 5.10 of the 1990 OSCE Copenhagen Document commits participating States to provide everyone with “effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Article 2.1 of the ICCPR reads that “to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.” See also Section II.3.3 of the Code of Good Practice

⁵⁹ A candidate may have up to 15 proxies; an inadequate number to observe all PECs in his/her DEC.

⁶⁰ On several occasions, citizen observers were not able to attend the entire process of candidate registration, including verification of signatures and financial declarations, and MSB sessions.

⁶¹ Namely, the Belarusian Republican Youth Union (BRSM) registered 6,170 observers, the Belarusian Federation of Professional Unions of Belarus – 5,040, Belaya Rus – 4,261, Belarusian Women’s Union – 2,473, Belarusian Association of Veterans – 3,070, Belarusian Helsinki Committee – 53. The remaining observers were accredited by various political parties and public associations, labour collectives and initiative groups.

⁶² Early voting takes place from Tuesday to Saturday and from 10.00-14.00 and 16.00-19.00.

⁶³ Namely, 31 observers of the Right to Choose and 4 of the Human Rights Defenders.

per cent. Turnout was significantly higher in PECs assigned to voters in state enterprises and public institutions, including student dormitories where there were credible allegations and observations of voters being coerced to vote. In cases where observers were allowed to inspect the voter lists, the number of signatures was significantly lower than the turnout announced by the PECs.

Election Day

Election day generally proceeded in an efficient manner. However serious procedural errors, inconsistencies and irregularities were noted during early voting, counting and tabulation. Almost all observed PECs opened on time. Overall, the opening was generally assessed positively, but in 5 per cent cases the ballot box from early voting was not properly sealed and in 7 per cent the final early voting protocol was not displayed.

The voting process was assessed positively in 94 per cent of observations. There is no standardized ballot box and no secure sealing, which does not guarantee that ballot boxes remain sealed or that they are not replaced. Ballot boxes were not sealed securely in 5 per cent of observed polling stations. In 18 per cent of polling stations observed, the unused ballot papers, and in 9 per cent the ballot boxes, were not placed in clear view of PEC members and observers. Other observed irregularities included campaign materials or activity in polling stations (10 per cent), series of seemingly identical signatures on the voter lists (7 per cent), group voting (3 per cent), as well as indications of voters coerced to vote at several polling stations.

The transparency and impartiality of the process was not always guaranteed. PEC members were mostly employees of the same public institution, with the PEC Chair usually their supervisor, compromising their independence. Whereas observers from state-subsidized public associations were present in all polling stations observed, citizen observers from NGOs were present in 10 per cent. In some 6 per cent of cases, observers did not have a clear view of the voting and PECs did not cooperate fully with observers. In addition, observers noted the presence of unauthorized officials in 5 per cent of polling stations observed. The presence of police and other officials is not prohibited by law but it has a potential to intimidate PEC members and voters. More than half of polling stations observed were not accessible for voters with disabilities.

The CEC announced a voter turnout of 74 per cent. In 22 per cent of PECs, observers were not allowed to inspect the voter lists. When they were able to do so, the number of signatures was significantly lower than the turnout figures provided by PECs. Some PECs added voters to the main voter list, contrary to the law which provides for a supplementary list.

Despite a CEC resolution to enhance observer access to the count, counting was assessed negatively in 24 per cent of polling stations observed, which indicates serious problems. In 27 per cent, observers were not allowed close to the counting table and to observe without restrictions and in 8 per cent they were not allowed to make photographs of PEC protocols. Indications of ballot stuffing were observed in election day ballot boxes (13 per cent), mobile boxes (8 per cent) and the early voting ballot boxes (8 per cent). Some 10 per cent of PECs did not transport protocols and materials immediately to the DEC. PECs often failed to follow the reconciliation procedures that would ensure the accountability of counting. The number of registered voters was not established in 21 per cent of cases and in 23 per cent the signatures were not counted on the voter lists.

Observers often reported that the count was hasty and lacked transparency; in a quarter of cases, observers could not follow the procedures and see the voters' marks on the ballots. Ballots were counted by each PEC member separately rather than collectively and votes per candidate were not announced in 19 per cent of cases. In around one fifth of counts observed, results protocols were pre-

signed, the validity of ballots was not determined in a consistent and reasonable manner and the spoiled ballots were not packed and sealed.

The tabulation process was observed in all DEC's and assessed negatively in about a quarter of observations. In 12 per cent there was a delay in transporting PEC Protocols to the DEC's. In some two thirds of cases not all DEC members were present. More than half of the DEC's postponed summarizing of results for Monday afternoon. In 16 per cent the data from PEC protocols were not entered in electronic summarized tables and in 60 per cent the data were not entered in ink. In half of the DEC's, observers were not close enough to see data being entered and in one third of cases were not able to observe the entire process. In some cases the procedures were conducted in separate rooms.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Minsk, 12 September 2016 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation.

The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards, other international obligations and standards for democratic elections and with national legislation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its Standing Committee meeting in Skopje on 1 October 2016. The PACE delegation will present its report at its fourth part-session in Strasbourg on 10 October 2016.

Kent Härstedt was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the short-term OSCE observer mission. Ivana Dobešová headed the OSCE PA delegation. Gisela Wurm headed the PACE delegation. Tana de Zulueta is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed from 2 August.

The OSCE/ODIHR EOM includes 11 experts in the capital and 38 long-term observers deployed throughout the country. On election day, 389 observers from 38 countries were deployed, including 340 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 32-member delegation from the OSCE PA and a 17-member delegation from the PACE. Opening was observed in 169 polling stations and voting was observed in 1,539 of 5,971 polling stations across the country. Counting was observed in 166 polling stations, and the tabulation in 101 DEC's.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

For further information, please contact:

- Tana de Zulueta, Head of the OSCE/ODIHR EOM, in Minsk (+375 17 226 9262);
- Thomas Rymer, OSCE/ODIHR Spokesperson (+48 609 522 266), or Ulvi Akhundlu, OSCE/ODIHR Election Adviser, in Warsaw (+48 695 808 813);
- Iryna Sabashuk, OSCE PA Head of Administration for Election Observation (+45 6010 8173), or Loic Poulain, OSCE PA Programme Officer (+45 60108963);
- Chemavon Chahbazian, PACE Secretariat (+ 375 33 693 12 99).

OSCE/ODIHR EOM Address:

Hotel Yubileiny, 7th floor, Praspiekt Pieramožcaŭ

Minsk 220004, Republic of Belarus

Tel: +375 17 226 9262

Fax: +375 17 226 9264,

Email: office@odihr.by

Website: www.osce.org/odihr/elections/belarus/257436