

INTERIM REPORT
22 August – 10 September 2012

14 September

I. EXECUTIVE SUMMARY

- Elections to the House of Representatives are to be held on 23 September. The House is elected for a four-year term 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, a second round is held within two weeks between the two candidates with the most votes.
- The Electoral Code was amended in 2010 and 2011. The Code was previously assessed as introducing some significant improvements, but there are still many areas where it could benefit from improvement to comply with OSCE and international standards.
- The elections will be administered by a three-tiered structure of election commissions. Election commissions have so far met all legal deadlines for the administration of elections, while training of lower-level commissions is underway. According to CEC data, the total number of registered voters is estimated at some 7.1 million.
- For the first time, political parties could nominate candidates in all constituencies regardless of whether they maintain regional structures in a given district. Consequently, a higher number of candidates was nominated by political parties.
- A large number of candidates were denied registration on the grounds of minor inaccuracies in their income statement or invalidation of signatures. Concerns were expressed to the OSCE/ODIHR EOM about the criteria and transparency of the signature verification process.
- The campaign period officially commenced following the registration of candidates on 23 August. The campaign environment has so far been calm across the country with few signs that elections are taking place. The issue of whether or not to participate in the elections has become a campaign topic.
- The OSCE/ODIHR EOM has been monitoring campaign coverage by the media since 28 August. State TV and radio initially complied with the legal requirement to provide free airtime to all candidates. However, after a decision by the CEC, the majority of media outlets have refused airtime and print space to more than 20 candidates who have called for a boycott of the elections.
- The OSCE/ODIHR Election Observation Mission commenced its work on 22 August with a core team of 11 experts in Minsk and 36 long-term observers deployed throughout Belarus.

II. INTRODUCTION

On 18 June, the President of Belarus called elections to the House of Representatives for 23 September 2012, as required by law. Following an invitation by the Ministry of Foreign Affairs and

based on the recommendation of a Needs Assessment Mission conducted from 16 to 18 July,¹ the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 22 August. The EOM is headed by Antonio Milošoski and is comprised of an 11-member core team based in Minsk and 36 long-term observers deployed throughout Belarus. Members of the EOM are drawn from 19 OSCE participating States. The OSCE/ODIHR has requested OSCE participating States to second 270 short-term observers to follow election day proceedings.

III. POLITICAL BACKGROUND

The last parliamentary elections, held on 28 September 2008, resulted in a House of Representatives predominantly composed of deputies not affiliated with a political party. Only seven deputies represented political parties, six from the Communist Party of Belarus (KPB), and one from the Belarusian Agrarian Party (BAP). All outgoing 110 members are nevertheless considered to be government supporters. Twenty-one deputies are standing for re-election. While the political party system is weak, public associations are well organized and nominate candidates through groups of citizens who collect signatures, and also support individual candidates.²

During the 2010 presidential election, several presidential candidates, journalists, and civil society representatives were arrested. One of the former presidential candidates and a chairperson of a human rights organization that observed the election are still in prison.

IV. ELECTION SYSTEM AND LEGAL FRAMEWORK

The House of Representatives is elected for a four-year term 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 within two weeks between the two candidates with the most votes. The law establishes a 50 per cent turnout requirement for the first round, and a 25 per cent turnout is required for the second.

Elections in Belarus are primarily regulated by the Constitution, the Electoral Code, and the regulations of the Central Election Commission (CEC). Different aspects of elections are also regulated by other laws such as the Law on Mass Media, Law on Mass Events, and the Criminal and Civil Procedure Codes.

The Electoral Code was amended in 2010 and 2011, addressing some of the recommendations made previously by OSCE/ODIHR. Most notably, amendments addressed candidate nomination requirements for political parties, procedures for staging public assemblies by candidates and their proxies, composition of election commissions, regulations for early voting, procedures to appeal certain actions of election commissions to the courts, as well as new provisions for broadcast debates between candidates. While these reforms were acknowledged by the OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission) as providing some “significant improvements,” it was emphasized that changes are “unlikely to resolve the underlying

¹ See OSCE/ODIHR Needs Assessment Mission report at: <http://www.osce.org/odihr/elections/92491>.

² For instance, representatives of the public association *Belaya Rus* informed the OSCE/ODIHR EOM that they are supporting 70 candidates in the 2012 elections.

concern that the legislative framework for elections in Belarus continues to fall short of providing a basis for genuinely democratic elections.”³

V. ELECTION ADMINISTRATION

The upcoming elections will be administered by a three-tiered election commission structure, consisting of the CEC, 110 District Election Commissions (DECs), and 6,344 Precinct Election Commissions (PECs). Election commissions have so far met all legal deadlines for the administration of elections, and the training of DECs and PECs is currently underway.

The CEC is a permanent body with a five-year mandate, while the DECs and PECs are appointed for each election. Recent amendments to the Electoral Code introduced a requirement that at least one third of DEC and PEC members be nominees of political parties and other associations, and that no more than one third can be state employees.⁴

The current CEC was appointed on 21 December 2011 and consists of 12 members; six appointed by the President and six by the Council of the Republic (upper chamber of the parliament). The current chairperson has been in office since 1996. Seven political parties have nominated advisory (non-voting) members to the CEC, in line with the Electoral Code.

Members of the DECs were appointed by regional legislatures and executives. Each DEC consists of 13 members, the maximum number allowed by law. Of a total of 1,430 DEC members, 409 were nominated by citizens, 146 by labour collectives, 611 by public associations and 214 by political parties. Out of 195 candidates nominated by the BAP, KBP, Belarusian Socialist-Sporting Party (BSSP), Republican Party (RP), and Republican Party of Labour and Justice (RPLJ), 163 were appointed as DEC members. Out of 198 candidates nominated by United Civic Party (UCP), United Left Party – “Just World,” Belarusian Social-Democratic Party *Hramada* (BSDP-H), the Belarusian Popular Front (Party BPF), and the Greens, which are widely perceived as being in opposition to the government, only 50 were appointed.

PEC members were appointed by local executive bodies. PEC membership varies from 5 to 19 members, depending on the number of voters registered in that precinct. A total of 68,945 PEC members were appointed for the 6,301 in-country precincts. Of these, 26,570 were nominated by citizens, 11,153 by labour collectives, and 28,551 by public associations and 2,671 nominated by political parties. Out of 3,119 candidates nominated by BAP, KBP, BSSP, RP, RPLJ, 2,610 were appointed as PEC members, but out of 664 candidates nominated by UCP, Just World, BSDP-H, Party BFP, only 61 were appointed. Out of all PEC members, 49,373, or 71.6 percent, are women.

VI. VOTER REGISTRATION

Citizens who are 18 years or older by election day are eligible to vote. Citizens recognized by a court as mentally incompetent, as well as those in pre-trial detention or serving a prison sentence, irrespective of the gravity of the crime, do not enjoy voting rights.

³ See European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR Joint Opinion on the Amendments to the Electoral Code of the Republic of Belarus, CDL-AD(2010)012, June 4, 2010: [http://www.venice.coe.int/docs/2010/CDL-AD\(2010\)012-e.asp](http://www.venice.coe.int/docs/2010/CDL-AD(2010)012-e.asp).

⁴ Following these changes, the number of appointed PEC members nominated by parties increased from 161 in 2008 to 2,671 for these elections, while the number of appointed DEC members nominated by political parties increased from 151 to 214.

Voter lists are compiled for each precinct by the relevant local administration and updated by the PEC. Voter lists were made available for public scrutiny beginning on 7 September. The provisions for voter registration do not foresee any consolidated or centralized voter lists, making crosschecking for multiple entries in effect not possible. Voters can be added to the voter list on election day on the basis of a valid ID indicating that the voter permanently or temporarily resides on the territory of that respective PEC. On 26 April, the CEC determined the average number of voters per constituency at 64,597, providing an estimate of the total number of registered voters at some 7.1 million.

VII. CANDIDATE NOMINATION AND REGISTRATION

Citizens who are 21 and reside permanently in Belarus are eligible to stand for parliament, but those convicted of any criminal offense are denied candidacy rights.⁵ Candidates can be nominated in three ways: by registered political parties, by labour collectives, and by initiative groups of citizens who collected at least 1,000 signatures. For the first time, as a result of the 2010 Electoral Code amendments, political parties could nominate candidates in all constituencies regardless of whether they maintain regional structures in a given district. Consequently, a significantly higher number of candidates was nominated by political parties.⁶ On 23 August, out of 494 nominees, the DEC registered 363 candidates, including 204 candidates nominated by five political parties, 109 by labour collectives, and 153 by initiative groups. Nine nominees withdrew, while 122 were refused registration.

The CEC held three sessions to consider complaints regarding refusals to register candidates at the DEC. It considered 53 complaints received before the deadline, 11 of which were accepted, while 42 were denied. Of this number, 27 were denied registration because more than 15 per cent of the signatures checked for verification as part of their applications were deemed invalid. According to many OSCE/ODIHR EOM interlocutors, the criteria, selection, and process of signature verification lacked transparency.

In 15 cases, nominees were denied registration because of discrepancies in the income and property declarations that they filed. According to the law, candidate applications may only be refused for errors in declarations of income and/or assets if such errors are substantial.⁷ In several cases observed by the OSCE/ODIHR EOM, however, candidates were denied registration on the grounds of minor inaccuracies in their declarations.⁸ The Electoral Code does not allow for the correction of minor mistakes by candidates before a decision is made on registration. Seventeen candidates appealed the CEC denial of their registration to the Supreme Court, which granted one appeal and denied the others.⁹

Thus far, the total number of registered candidates was 364. This number may change before election day as candidates are allowed to withdraw up to the day before the election.

⁵ In its decision of 4 September 2012 concerning denial of candidate registration (*Solop vs. CEC*), the Supreme Court implied that this limitation extends to all candidates who have been convicted for a crime, regardless of whether or not the conviction has been expunged.

⁶ In 2008, 8 of the 15 officially registered political parties nominated 59 candidates. In 2012, 8 of the 15 officially registered political parties nominated 264 candidates.

⁷ Substantial errors are defined in CEC regulations as more than 20 per cent in the declaration of annual income, while any omission in declaring assets is considered substantial.

⁸ For example, Sergey Britikov was denied registration in Constituency 84 because he failed to declare ownership of shares in an enterprise, worth less than the equivalent of EUR 2.

⁹ On 1 September, the Supreme Court upheld the complaint from unregistered candidate Viktor Tsyareshchanka in Constituency 29, granting him candidate status.

VIII. CAMPAIGN ENVIRONMENT

The election campaign officially commenced following the registration of candidates on 23 August. The campaign environment has so far been calm across the country with little indication that elections are underway. Most of the candidates met by the OSCE/ODIHR EOM plan to distribute leaflets, conduct door-to-door campaigning and organize small meetings with voters. The OSCE/ODIHR EOM was informed by several political parties and candidates that they will intensify their outreach activities only during the week preceding election day.

Recent amendments to the Electoral Code replaced a permission-based procedure for holding public campaign events with a two-day notification procedure. The law requires local authorities to designate locations for campaign events to take place. Several political parties and candidates informed the OSCE/ODIHR EOM that the designated meeting spaces are poorly located for campaign purposes and that they had faced administrative delays in organizing events. OSCE/ODIHR EOM observers have reported that very few candidates have held campaign events, while locations designated for posting campaign material have been seldom used.

The issue of whether or not to participate in the elections has become a campaign topic. While candidates, political parties, and public associations supportive of the government call for voter participation, at least one political party, the UCP, has openly advocated for citizens to boycott the elections and has announced its intention to withdraw its candidates one week before election day. However, the political opposition remains divided on the issue. The Just World and Tell the Truth campaigns oppose a nationwide boycott, while the Party BPF will decide at its party congress on 15 September whether to withdraw its candidates. On 3 September, five organizations (For Freedom Movement, Tell the Truth, *Zmena*, the Party BPF and Just World) agreed to boycott the election in a single constituency in Minsk (101).

Political parties advocating a boycott of the elections cite continued imprisonment of individuals on political grounds, the limited role of the parliament, and a low level of public confidence in the election process as reasons for their decision. Several political parties, candidates, and civil society organizations met with by the OSCE/ODIHR EOM pointed to early voting and counting as areas of particular concern, and voiced their disappointment with the low number of their nominees accepted as members of DEC and, especially, PECs.

IX. THE MEDIA

There are currently 87 TV channels, 165 radio stations, and more than a thousand print media outlets registered with the Ministry of Information.¹⁰ State owned media outlets dominate electronic and print media, as well as the distribution networks and printing houses.

The Constitution prohibits censorship and guarantees freedom of thought, belief, and expression. On 4 September, however, the OSCE Representative on Freedom of the Media, Dunja Mijatović, expressed concern over the detentions and arrests on 30 August of administrators of political social media groups. Mijatović stated that “the detentions are a strike against freedom of expression and contravene OSCE commitments which Belarus has pledged to uphold.”¹¹

¹⁰ Ministry of Information: <http://www.mininform.gov.by/rus/smi/>.

¹¹ See OSCE Representative on Freedom of the Media: <http://www.osce.org/fom/93345>.

In accordance with the Electoral Code, the CEC issued specific rules concerning the coverage of the election campaign and the allocation of free airtime and print space to electoral contestants in state media.¹² The regulations permit registered candidates to make a pre-recorded statement of up to five minutes on state TV and radio. For the first time in parliamentary elections, candidates have the opportunity to participate in pre-recorded debates in state electronic media.¹³ In addition, candidates have the right to publish their election programmes in one of the state-owned national or regional newspapers published in their constituency.

On 5 July, the CEC established the Media Supervisory Council (MSC) to oversee the conduct and use of mass media during the election campaign.¹⁴ On 27 August, the MSC considered a request for clarification filed by *Belarus-2 TV Channel*, *Stolichnoe TV*, and *Mahiliou TV* concerning the content of speeches of candidates calling for an election boycott. The MSC decided that although advocating for a boycott is allowed under the Electoral Code,¹⁵ the speeches were not electoral propaganda as defined in Article 155 and therefore could not be broadcast using the free air time.¹⁶ On 29 August, the CEC voted to approve the decision of the MSC.

Based on this decision, the majority of media outlets have refused airtime to candidates who call for boycotting the election, while some newspapers have censored and/or refused to publish their programmes. To date, more than 20 candidates have been denied their free airtime and/or print space, although a few candidates advocating boycott have been given their free air time and print space to publish their programmes.

Although the CEC Regulation 33 on use of the media allows for proxies to take part in a debate on behalf of a candidate, on 5 September the CEC decided to limit proxies who are a representative of more than one candidate to one TV debate.¹⁷ The CEC stated that 39 debates will be held across the country. A number of candidates informed the OSCE/ODIHR EOM that they have not been able to participate in debates because of a low interest among rival candidates, especially those who support the government.

On 28 August, the OSCE/ODIHR EOM commenced its media monitoring of a cross-section of media outlets, with quantitative and qualitative analysis of their political and election-related coverage.¹⁸

¹² Free airtime is broadcast during prime-time from 17:00 to 19:00 on the radio and 19:00 to 20:00 on television. However, the date and the time of each appearance are not advertised in any media outlets.

¹³ According to CEC regulation 33, debates are held between candidates standing for elections in one electoral district. Candidates must submit an application to participate in debates to the DEC. Each candidate is entitled to speak up to five minutes, and five minutes are reserved for the debates' host.

¹⁴ All members of the MSC work for either the Minister of Information or state owned media. An attempt to include members of private media was rejected unanimously by the MSC on 6 September.

¹⁵ Article 45 of the Electoral Code defines propaganda as including calls to boycott the election.

¹⁶ Article 155 of the Electoral Code defines electoral propaganda as: "activity encouraging or aiming to encourage voters to participate in elections, vote for certain candidates or against them."

¹⁷ For example, Anatoliy Lebedko, chairperson of the UCP, is registered as a parliamentary and also an authorized representative of 17 other candidates and could theoretically have participated in 18 debates. Also, Yuriy Khashchevatsky, UCP candidate, is an authorized representative of 14 candidates and Evgeny Kryzhanovsky, Liberal Democratic Party candidate, is authorized to represent 7 candidates.

¹⁸ TV: *Belarus-1*, *Belarus-2*, *Obschenatsionalnoe TV*, *Stolichnoe TV*, and *RTR-Belarus*. Radio: *Stolitsa*. Newspapers: *Sovetskaya Belorussia*, *Zvyazda*, *Respublica*, *Narodnaya Gazeta*, *Narodnaya Volya*, and *Nasha Niva*.

X. COMPLAINTS AND APPEALS

Complaints against decisions of election commissions can be lodged with higher commissions. Following the recent amendments to the Electoral Code, a limited number of types of decisions can now be appealed to the courts. In particular, these include appealing decisions on the appointment of PEC and DEC members, omissions in the voters' lists, as well as decisions of the CEC denying candidate registration and invalidating the elections. Depending on the nature of the violation, the court should adjudicate within three to five days.

According to the CEC, 416 complaints and inquiries have been filed with election commissions and local executive bodies as of 31 August. Of these, 283 have been filed with the CEC, 93 with the DECs, and 40 with the local executives. Of the 283 applications received by the CEC, 59 concerned the composition and activities of the DECs, 56 concerned candidate registration, and the remainder were connected to campaigning, observer accreditation, or issues that the CEC determined were not election-related. On 5 July, the CEC established a working group charged with the initial review of complaints. The group has so far convened twice and issued advisory opinions on two complaints.

XI. DOMESTIC AND INTERNATIONAL OBSERVATION

The Electoral Code provides for election observation by a wide range of stakeholders including candidate proxies, public associations, political parties, citizens' groups, labour unions, media, as well as international observers. As of 10 September, 6,476 observers have been accredited from public associations, 338 from citizens groups, 681 from labour collectives, and 410 from political parties. In total, election commissions have so far accredited 7,905 domestic observers. In addition, 454 observers from international organizations have been accredited by the CEC. Besides the pre-election campaign and election day itself, several observer groups plan to monitor early voting.

XII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR commenced its work on 22 August. The Head of the OSCE/ODIHR EOM has met with the Minister of Foreign Affairs, the CEC Chairperson, the Minister of Justice and other state officials. In addition, meetings have been held with the main political parties fielding candidates in these elections and the main public associations that support candidates. Regular contacts have been established with election commissions, civil society groups, media, the diplomatic community, and international and domestic observer groups.

The OSCE Parliamentary Assembly will deploy an observer delegation for election day observation. The OSCE Chairperson-in-office has appointed Mr. Matteo Mecacci as Special Co-ordinator to lead the OSCE short-term observer mission.

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