

**INTERIM REPORT**  
**2 – 26 August 2016**

**31 August 2016**

**I. EXECUTIVE SUMMARY**

- On 6 June 2016, the President called elections to the House of Representatives, the lower chamber of parliament, for 11 September. Representatives will be elected for a four-year term under a one-round majoritarian system in 110 single-mandate constituencies.
- The electoral legal framework was last substantially amended in 2013. In addition, an Inter-agency Working Group was established in February 2016 to consider prior OSCE/ODIHR recommendations, which submitted seven proposals to the Central Election Commission (CEC) related to technical aspects of the electoral process. The CEC adopted six resolutions addressing some of these recommendations. A significant number of prior OSCE/ODIHR recommendations are yet to be addressed.
- Out of 630 nominated candidates, 521 were registered. Ninety-three nominees were not registered by District Election Commissions (DECs), mostly due to an insufficient number of valid support signatures, inaccuracies in asset and income declarations, and failure to submit supporting documentation; 16 nominees withdrew their nomination. The law gives DECs wide discretionary powers to deny registration. International and citizen observers were not always able to fully observe the candidate registration process.
- The elections are administered by a four-tiered structure including the CEC, 6 Oblast and the Minsk City Election Commissions (OECs), 110 DECs and 5,971 Precinct Election Commissions (PECs). Since the call of elections, the CEC has issued a number of resolutions and held three public sessions. DECs are supported by the local authorities, which have several election-related competencies. Only a marginal number of PEC members are from opposition nominating bodies. All commissions have so far met legal deadlines for the administration of the elections.
- There is no centralized voter register. Voter lists are compiled and updated by PECs based on data provided by local authorities. Voters may be registered prior to and on election day. The CEC announced the number of registered voters per constituency, amounting to 6,999,127 voters nationwide.
- Campaigning is strictly regulated. To date, the campaign remains largely invisible and campaign events observed by the OSCE/ODIHR EOM have a very low turnout. Several candidates stated that they have limited financial capacities following the abolishment of public campaign funding in 2013.
- Criminal offences of defamation, libel and insult exist and restrictions extend to online media. The state-owned media dominate both the broadcast and print media landscape. State media are obliged to provide equal opportunity to all candidates from the time of their registration.
- The OSCE/ODIHR EOM has been made aware of 408 applications and complaints filed with the election commissions, local authorities and courts. Most were on candidate registration, and the

appointment and activities of election commissions. To date, the majority of complaints have been rejected.

## II. INTRODUCTION

Following a timely invitation from the Ministry of Foreign Affairs of Belarus, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 2 August. The EOM, headed by Tana de Zulueta, consists of an 11-member core team based in Minsk and 38 long-term observers deployed throughout the country from 11 August. Mission members are drawn from 24 OSCE participating States. The OSCE/ODIHR has requested participating States to second 400 short-term observers to observe election day procedures.

## III. BACKGROUND AND POLITICAL CONTEXT

On 6 June, the President called elections for the 110-seat House of Representatives, the lower chamber of parliament, for 11 September. Concurrently, the legislative councils at regional and Minsk city levels will elect 56 of 64 members of the upper chamber, the Council of the Republic, during sessions to be held between 25 August and 13 September.<sup>1</sup>

The political system concentrates most decision-making power in the office of the president, who shares legislative power with the House of Representatives.<sup>2</sup> The role of political parties is weak, and despite several applications, no new party has been registered since 2000.<sup>3</sup> The last parliamentary elections in 2012 resulted in only five members elected to parliament representing political parties.<sup>4</sup> The remaining members of parliament were nominated by labour collectives and initiative groups of voters.

In its final report on the 2015 presidential election, the OSCE/ODIHR stated that the “election once again indicated that Belarus still has a considerable way to go in meeting its OSCE commitments for democratic elections. This underscores the need for the political will to engage in a comprehensive reform process. Some specific improvements and a welcoming attitude were noted. Significant problems, particularly during the counting of votes and tabulation of election results, undermined the integrity of the election. The campaign and election day were peaceful.”<sup>5</sup> Following the release of political prisoners in August 2015, the European Union decided not to extend restrictive measures against a number of Belarusian individuals and legal entities.<sup>6</sup>

## IV. 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 who obtain the highest number of votes cast are elected. There is a 50 per cent turnout requirement at constituency level for elections to be considered valid and, if necessary, repeat elections are to be held within three months.

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<sup>1</sup> The president appoints the remaining eight members.

<sup>2</sup> The president has the right to veto draft laws or some provisions thereof and to revoke laws adopted by the parliament and the right to initiate the legislative process in the parliament and to adopt binding decrees.

<sup>3</sup> However, several state-subsidized public associations actively participate in the electoral process, including collecting signatures, campaigning, nominating members of election commissions and observing elections.

<sup>4</sup> Three represented the Communist Party of Belarus (CPB), one the Republican Party of Labour and Justice (RPLJ) and one the Agrarian Party.

<sup>5</sup> See [previous OSCE/ODIHR election reports](#) on Belarus.

<sup>6</sup> Asset freezing and travel bans for 170 individuals and 3 companies were not extended.

The primary legislation regulating parliamentary elections consists of the 1994 Constitution and the 2000 Election Code.<sup>7</sup> The Election Code was last substantially amended in 2013.<sup>8</sup> For the first time in parliamentary elections, the absolute majority system has been replaced by relative majority and the requirement for a second round has been abolished. Candidates are now permitted to be nominated in only one constituency and have the right to make corrections to their asset and income declarations.

In February, an Inter-agency Working Group was established to consider prior OSCE/ODIHR recommendations on improving the electoral process.<sup>9</sup> It submitted seven recommendations to the CEC related to technical aspects. The CEC adopted six resolutions, addressing some of these recommendations.<sup>10</sup> Most notably, the resolutions provide for publishing on the Internet information about sessions of election commissions, including decisions on electoral disputes, election results at region (*rayon*), city and city *rayon* level, as well as enhancing observers' rights.

A number of prior OSCE/ODIHR recommendations have not been addressed in the law, including in respect to the role of the executive in the appointment and work of election commissions, the regulation and transparency of signature collection and verification procedures, the grounds for candidate deregistration, and dispute resolution. Furthermore, the law gives authorities wide discretionary powers to deny registration or deregister political parties and public associations. Electoral actors (other than candidates and their proxies) need permission to hold public assemblies and campaign activities of prospective candidates during signature collection are restricted.

## V. ELECTION ADMINISTRATION

The upcoming elections will be 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). The CEC is a permanent body with a five-year mandate, while lower-level commissions are temporary bodies appointed for a particular election. Twelve CEC members are appointed on an equal basis by the president and the Council of the Republic.<sup>11</sup> As of 27 July, a total of 65,856 PEC and 1,430 DEC members were appointed by the local authorities in a timely manner.<sup>12</sup> For the first time, OECs are to supervise the activities of DECs and PECs and review complaints against their decisions.

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. Moreover, the CEC introduced the “professional and political qualities” of a nominee as criteria of membership to an election commission. This concept was subject to diverse interpretation by local authorities. Only a marginal number of election commission members are from opposition

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<sup>7</sup> The legal framework for elections also 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, the Civil Procedure Code as well as CEC resolutions.

<sup>8</sup> In addition, in 2015 election-related foreign funding was criminalized.

<sup>9</sup> Following the 2010, 2012 and 2015 elections, the OSCE/ODIHR made a total of 82 recommendations. The Inter-agency Working Group was established by 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.

<sup>10</sup> Including CEC Resolutions Nos. 18, 20, 21, 22, of 8 June 2016.

<sup>11</sup> In addition, political parties have the right to appoint representatives to the DECs with an advisory vote.

<sup>12</sup> Women represent some 39 per cent of OEC members, 57 per cent of DEC members and 71 per cent of PEC members. Four CEC members are women.

nominating bodies.<sup>13</sup> Officials or employees of the local authorities are often DEC members, including in leading positions.<sup>14</sup>

The CEC thus far has held three public sessions since the call of elections and published an election calendar. DEC members have generally not held regular public sessions and their work is largely supported by the local authorities. All commissions have so far met legal deadlines for the administration of the elections. The CEC has conducted DEC trainings; PEC trainings and various voter education activities are underway.

## VI. 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 and pre-trial detention are not eligible to vote, regardless of the gravity of the crime or the length of the sentence.

There is no centralized voter register. Voter lists are compiled for each precinct by the respective local authority and updated by the PEC. From 26 August, voter lists are to be 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. Voter lists are not available for public scrutiny by observers and other electoral stakeholders. On 24 March, the CEC announced the number of voters per electoral district, which amounted to 6,999,127 voters nationwide.

## VII. CANDIDATE NOMINATION AND REGISTRATION

Citizens who are 21 years old by election day and have permanent residence in Belarus are eligible to stand as candidates, provided that they do not have an unexpunged criminal record.<sup>15</sup> Candidates may be nominated by political parties, labour collectives, by an initiative group of at least ten voters through the collection of 1,000 supporting signatures, or by more than one of these means.

Out of 630 nominated candidates, 521 were registered, including 129 women.<sup>16</sup> Thirty-four nominees were not registered due to invalid or an insufficient number of valid signatures, 38 due to inaccuracies in their financial declarations, and 17 due to a failure to submit all required documentation, 2 for having a criminal record, 1 for having received a warning and 1 for not meeting the residence requirement. Some 22 registered candidates withdrew. The OECs and the courts overturned 4 of 34 challenged denials of registration.

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<sup>13</sup> Three opposition political parties: Belarusian Popular Front, Party of the Left “Just World” and Belarusian Social Democratic Party “Hramada” nominated in total 291 PEC and 106 DEC members and 26 and 39 were appointed, respectively. Pro-governmental parties and public associations Belaya Rus, CPB and BRSM nominated 9,680 PEC and 330 DEC members and 8,842 and 275 were appointed, respectively. In total, of the 514 representatives of the five opposition parties nominated to the PECs, only 53 received seats on the commissions (10.3 per cent of the total number). As a result, representatives of the opposition parties account to less than 0.1 per cent of the total PECs composition.

<sup>14</sup> In 92 of the 110 DEC members, at least one of the top three positions (Chairperson, Deputy Chairperson, Secretary) is held by a local authority official.

<sup>15</sup> Following the 2013 legal amendments, the criminal record of a candidate is published by DEC members in the joint information materials.

<sup>16</sup> 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 jointly by all three means.

DECs are responsible for candidate registration and have wide discretionary powers to register or deny a nomination.<sup>17</sup> A number of citizen observers informed the OSCE/ODIHR EOM that they were not allowed to observe candidate registration, including the verification of signatures and income and asset declarations. Several OSCE/ODIHR EOM interlocutors stated that DECs did not enable nominees to correct shortcomings in their applications, including on their asset declarations, as prescribed by law.<sup>18</sup>

## VIII. CAMPAIGN ENVIRONMENT

The campaign began after the registration of candidates, which was completed on 11 August, and will end one day before election day. Some potential candidates were issued warnings for distributing materials and other activities during signature collection, which in at least one case, led to a denial of registration.<sup>19</sup> Several interlocutors informed the OSCE/ODIHR EOM that state-subsidized public associations participated in signature collection for some nominees and that signatures were also collected at state enterprises and public institutions.

Campaigning is strictly regulated. Candidates and their proxies may hold public assemblies after submitting notification to the appropriate local authorities no later than two days prior to the planned event.<sup>20</sup> Other electoral actors may hold events only after permission. Local authorities designate both outdoor and indoor locations for campaign events, as well as spaces for the display of candidates' campaign materials.<sup>21</sup> In spite of a CEC instruction for a more permissive allocation of venues, some candidates informed the OSCE/ODIHR EOM that campaigning was allowed only in certain venues.

The campaign remains largely invisible with very low turnout at observed campaign events. Some contestants expressed very low levels of confidence in the electoral process and noted that their participation aims primarily at making use of outreach opportunities that are unavailable outside of the campaign period. Some OSCE/ODIHR EOM interlocutors indicated that the recent arrest and prosecution of an alleged participant in election-related protests in December 2010, as well as the alleged filming of signature collection and campaign events, serve to intimidate candidates and voters.<sup>22</sup>

## IX. CAMPAIGN FINANCE

There is no direct public campaign funding. However, the law provides for in-kind state contributions to candidates on an equal basis. DECs are required to print and distribute uniform campaign materials for all candidates, state electronic and print media are obliged to provide free airtime or advertising space, and local authorities are to provide free-of-charge premises for campaign events.

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<sup>17</sup> According to Article 68.1 of the Election Code, grounds for the mandatory denial of registration include: violation of the Election Code, unexpunged criminal record, lacking documents necessary for the registration, use of foreign funding, insufficient number of valid signatures, more than 15 per cent invalid voters' signatures and other cases of non-compliance with the procedures. Grounds for optional denial of registration include inaccurate income and asset declaration, abuse of office for election purposes, misuse of administrative resources, rewarding voters and coercion for signature collection, and warning received by a candidate or an initiative group for repeated violations of the law.

<sup>18</sup> Article 66 of the Election Code allows candidates to make corrections to the income and asset declaration, but DECs are not obliged to notify candidates about inaccuracies.

<sup>19</sup> For instance, one candidate in constituency No. 101 was issued two warnings, one for holding a concert and another for distributing business cards and newspapers during the collection of signatures.

<sup>20</sup> Several cases of candidates pre-booking venues for extended periods of time, thus rendering them unavailable for other candidates, were reported to the OSCE/ODIHR EOM.

<sup>21</sup> In addition, candidates may use their own campaign funds to rent premises for meetings. For these purposes, premises must be provided to candidates on equal conditions.

<sup>22</sup> In June 2016, another alleged participant in the December 2010 protests was arrested and charged under Article 293 of the Criminal Code ('rioting').

Candidates may use their own resources or receive private campaign donations. An individual may donate up to BYN 105 and a legal entity up to BYN 210.<sup>23</sup> The total campaign expenditure for a candidate is BYN 21,000. A DEC may deregister a candidate who exceeds the spending limit by more than 20 per cent or uses funds outside dedicated election funds. Candidates who use private or their own funds are required to conduct all financial transactions through dedicated campaign funds. To date, 361 candidates have opened campaign funds. OECs, DECAs and the financial authorities are mandated with monitoring of campaign finances. Candidates are required to submit two financial reports; the first ten days prior to election day and the second within five days after election day. The banks are required to report to DECAs on a weekly basis on campaign fund transactions and this information should be published. Several OSCE/ODIHR EOM interlocutors cited a lack of adequate funding as a serious impediment to their ability to campaign.

## X. MEDIA

While the Constitution guarantees freedom of expression, prohibits censorship and establishes the right to receive, store and disseminate information, the Criminal Code contains provisions on defamation, libel and insult. Since 2014, online media outlets have the same obligations, except for the requirement of state registration, and are subject to the same restrictions as traditional media. In case of a suspected violation, the Ministry of Information is now entitled to limit access to websites without a court decision. The OSCE Representative on Freedom of the Media has criticized the regulations for undermining free speech on the Internet.<sup>24</sup>

Some 723 newspapers, 174 radio stations, 100 television stations and 9 information agencies are registered in Belarus, with television widely considered as the primary source of information. The state-owned *Beltel Radio Company* (BTRC) is the largest media company, which dominates both the broadcast and the print media landscape. Private media outlets have a limited impact and according to many OSCE/ODIHR EOM interlocutors are frequently subject to pressure from the authorities.<sup>25</sup> Journalists require accreditation to work for foreign and Belarusian media based abroad and they cannot work for both foreign and national media. Citizen journalists, bloggers and freelancers are not considered journalists and they receive fines for reporting without accreditation. The limited number of independent broadcasting media and the growing Internet penetration allow online media to increasingly serve as an alternative source of political and election-related information.

State media are obliged to provide equal opportunity to all candidates from the time of their registration. In 2013, a ban on calls for an election boycott was introduced. Mass media and Internet outlets may be sanctioned for publishing or broadcasting calls for an election boycott, including candidates' electoral programmes and speeches with such content.

A CEC resolution prescribes specific rules on media coverage of the election campaign, including instructions on the allocation of free airtime to candidates in broadcast media, the organization of televised debates among candidates, and the publication of electoral programmes in print media.<sup>26</sup> In

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<sup>23</sup> EUR 1 equals approximately BYN 2.18.

<sup>24</sup> See the [statement](#) by the OSCE Representative on Freedom of the Media, 17 June 2014.

<sup>25</sup> Administrative methods noted by OSCE/ODIHR EOM interlocutors, include selective tax inspections, overly cumbersome licensing and registration requirements, refusal of accreditations, fines, limited access to online media outlets as well as written warnings from the authorities.

<sup>26</sup> CEC Resolution 32 of 28 June stipulates that from 15 August till 2 September, contestants have the right to a free five-minute speech on radio from 07:00 till 08:00, and on television from 19:00 till 20:00 and may participate in 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.

addition, candidates are allowed to purchase time and space in traditional and online media outlets using their electoral funds. However, candidates' access to online media is not regulated.<sup>27</sup>

On 28 June, the CEC established a Media Supervisory Board (MSB) to oversee the coverage of the campaign in the media and to review media-related disputes. The MSB is chaired by the First Deputy Minister of Information and comprises eight members, including seven from state-owned media and one representing the Belarusian Association of Journalists. The MSB may issue non-binding recommendations to the CEC. It does not hold regular sessions and it does not conduct systematic media monitoring.

On 11 August, the OSCE/ODIHR EOM commenced its quantitative and qualitative media monitoring of election-related coverage of ten media outlets.<sup>28</sup> The OSCE/ODIHR EOM also analyses the coverage of a sample of ten main online news portals.<sup>29</sup>

## XI. COMPLAINTS AND APPEALS

Complaints and appeals can be filed by voters, candidates, their proxies, public associations, political parties and observers. Actions and decisions of election commissions can be challenged at the higher commission and a limited number of types of decisions can be appealed to the courts. Not all decisions and actions may be challenged.<sup>30</sup> Complaints are filed and reviewed within three days. Complaints requiring additional verification are reviewed within 10 days whereas complaints received on election day should be reviewed immediately.

According to the CEC, as of 26 August, some 408 election-related complaints, applications and appeals have been filed with election commissions, local authorities and courts, most of which have thus far been rejected. Of these, 24 complaints were filed to the courts against the refusal of nominees to election commissions, 67 concerned the activities of election commissions, and 76 the preparation and conduct of elections. An additional 61 complaints concerned candidate nomination.<sup>31</sup> Some 34 complaints and 21 appeals were filed by candidates who were denied registration. Some 25 complaints concerned the accreditation and activities of observers. Applications and complaints to the CEC are not discussed in public sessions and are dealt with by the CEC staff. The CEC and OECs have published information on the Internet about complaints, but very few actual decisions, as required by law. DEC's have not published any decisions so far.

## XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code prescribes the rights and obligations of international and citizen election observers. Unlike international observers, a citizen observer is entitled to observe only at the election commission to which s/he is accredited. Citizen observers may be nominated by political parties, public associations, labour collectives and initiative groups. Candidates may not nominate observers, but their proxies may also observe. Media may be present, but do not have observer status. International observer organizations may not be accredited without a prior invitation by the

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<sup>27</sup> BTRC press office announced that candidates' free airtime addresses will not be streamed on its website. In addition, YouTube.com blocked one parliamentary candidate's political message, following a BTRC copyright infringement complaint.

<sup>28</sup> Namely, TV channels *Belarus 1*, *ONT*, *CTV*; radio channels *Radio 1*, *Euroradio*, and *Sovetskaya Belorussia(Belarus Segodnya)*, *Zvyazda*, *Narodnaya Volya*, *Komsomolskaya Pravda*, and *Biel Hazieta* newspapers.

<sup>29</sup> Namely, *news.tut.by*, *belta.by*, *charter97.org*, *Interfax.by*, *nn.by*, *euroradio.fm*, *sputnik.by*, *belaruspartisan.org*, *svaboda.org*, *naviny.by*.

<sup>30</sup> Including against decisions on the registration of an initiative group or a candidate, appointment of election commission members, signature verification, and the final results.

<sup>31</sup> Namely, nomination of candidates and activities of initiative groups.

authorities. Recent CEC resolutions prescribe the right of observers to get information on voter lists and to be placed close to the counting table, as well as the right of observers accredited at a DEC to observe the handover of PEC result protocols. As of 24 August, more than 406 international and 18,389 citizen observers have been accredited.<sup>32</sup>

### XIII. MISSION ACTIVITIES

The OSCE/ODIHR EOM commenced its work on 2 August. The Head of the OSCE/ODIHR EOM met with the Deputy Minister of Foreign Affairs, the CEC Chairperson, the Minister of Justice, the Head of the Supreme Court, the State Prosecutor and other high-level state officials and representatives of OSCE participating States. The OSCE/ODIHR EOM has also established contacts with political parties and candidates, civil society, representatives of the media and other electoral stakeholders.

The OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) intend to deploy delegations for election day observation. Kent Härstedt has been appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission.

The OSCE/ODIHR EOM conducted briefings for the pre-election delegations of PACE led by Gisela Wurm, the OSCE Special Co-ordinator Kent Härstedt, and representatives of the diplomatic community. Election day observation will be the result of a common endeavour involving the OSCE/ODIHR and delegations from the OSCE PA and PACE.

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

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Namely, the Belarusian Republican Youth Union (BRSM) registered 4,053, the Belarusian Federation of Professional Unions of Belarus – 2,874, Belaya Rus - 2,628 observers, Belarusian Women's Union – 1,545, Belarusian Association of Veterans – 1,623, Belarusian Communist Party – 725, Belarusian Helsinki Committee – 53. The remaining observers were nominated by various political parties and public associations, labour collectives and initiative groups.