

**INTERIM REPORT No. 2
31 August – 13 September 2008**

I. EXECUTIVE SUMMARY

- Preparations for the upcoming elections are ongoing and District Election Commissions (DECs) and Precinct Election Commissions (PECs) appear to be fulfilling their administrative obligations according to the deadlines.
- The OSCE/ODIHR EOM has had extensive discussions with the Central Election Commission (CEC) on the issue of observing the vote count, but the CEC has not given its assurances that observers will have meaningful access to the vote count.
- Opposition parties and groups met by the OSCE/ODIHR EOM have expressed a lack of confidence in early voting procedures and in the conduct of the vote count.
- Of the 84 rejected candidates, 52 appealed to the CEC. Of these, 8 were then registered by the CEC. Another 19 appealed the CEC's decision to not grant registration to the Supreme Court, which overturned 2 of the CEC's decisions. The total number of registered candidates now stands at 275 contesting 110 seats.
- The election campaign, which officially commenced on 28 August, has thus far been low key, and is taking place within a strictly regulated environment. To date, few candidate meetings have taken place.
- Locations for posting campaign materials have been allocated and locations where candidates can meet with voters have been designated by DECs. However, some candidates claim that the authorized meeting locations are not conveniently located for voters.
- Voter lists in Belarus are established for each electoral precinct and there is no centralized or consolidated voter list at any level above the individual precinct. The absence of centralized voter registration data at the national or district level means that cross-checking for multiple entries is not *de facto* possible.
- The preliminary media monitoring findings indicate that media coverage, both on the national and local level, has focused primarily on procedural aspects of the election process. Other than the officially allocated five minutes of free airtime, coverage of candidates and campaign issues has been largely absent.
- The CEC announced on 12 September that those candidates that recorded an initial campaign spot would be provided with the opportunity to rebroadcast that spot a second time.

II. THE POLITICAL AND CAMPAIGN ENVIRONMENT

The election campaign officially commenced following the registration of candidates (concluded on 28 August) and is unfolding in a strictly regulated environment. This applies specifically to media coverage, to the printing and distribution of campaign materials, the venues for meetings with the voters and the financing of campaigns.

OSCE/ODIHR EOM observers continue to report that the campaign is being conducted in an extremely low key manner throughout Belarus, and few candidate meetings have taken place thus far. Locations for posting campaign materials have been allocated and locations where candidates can meet with voters have been designated by DEC's. Certain candidates claim that the authorized meeting locations are not conveniently located.

Funding for the conduct of the campaign is provided to candidates from the state budget. Candidates are allocated 1,750,000 BYR (approx. EUR 585) to spend on printed campaign materials. These funds are managed by the election administration and candidates must submit invoices for their printed campaign materials to DEC's, which pay the invoices directly. The Electoral Code (EC) does provide for the possibility of extra-budgetary funding of the campaign. However, any extra-budgetary funding obtained by any candidate must be submitted to the DEC and is then re-distributed equally among all registered candidates. In a meeting with the CEC, the OSCE/ODIHR EOM was told that this provision has not been applied, since no one would be willing to distribute contributions that they gathered to other candidates.

In at least one case, a candidate in DEC No. 49 was issued a warning by the DEC for posting leaflets, which he admitted had been printed on his own printing / copying machine, the costs of which he had covered directly.

The investigation into the bomb explosion that took place in Minsk on 4 July is ongoing; OSCE/ODIHR EOM observers have noted in a number of cases that candidates have been approached to be fingerprinted and to have DNA samples taken. The Ministry of Foreign Affairs (MFA) has advised the OSCE/ODIHR EOM that this is standard procedure for many citizens that are being questioned and that co-operation in giving such samples is voluntary.

In a meeting with the OSCE/ODIHR EOM, the Republican Co-ordination Council of Political Parties and Public Associations that serves to bring together the majority of pro-presidential forces declared that it is satisfied with the preparation of the elections.

Opposition political parties have, thus far, received no reaction from the presidential administration to the appeal sent on 27 August by leaders of the United Democratic Forces (UDF); in this letter, they requested an open dialogue with the government over concerns with the election process. On 31 August, the UDF Political Council declared that, under the prevailing circumstances, the result of the upcoming elections could not be recognized as reflecting the will of the people and discussed the option of withdrawing from the election. However, on 12 September, the UDF held a press conference in which they announced their intention to continue with their participation in the elections; the Belarusian National Front abstained from this decision. The UDF has also called for peaceful protests on 28 September against the falsification of

elections. All opposition parties and groups met by the OSCE/ODIHR EOM have expressed their lack of confidence in the process of early voting and in the conduct of the vote count.

III. THE ELECTION ADMINISTRATION

Preparations for the upcoming elections are ongoing and OSCE/ODIHR EOM observers report that DEC and PEC are fulfilling their administrative obligations according to the deadlines set in the election calendar.

During weekly meetings with the CEC, the OSCE/ODIHR EOM has been provided with clarifications on a number of issues not covered explicitly or in detail in the law or in CEC instructions. No precise instructions exist as to the number of ballots to be printed by DECs, who are responsible for ballot printing in their respective constituencies. The CEC has elucidated that the number of ballots printed will be based on the number of previously registered voters in that constituency, with up to a 10 per cent reserve.

The EC (and other relevant legislation, such as the Law on Police) does not explicitly specify the role of police during the election, except that police are tasked with providing security during the five days of early voting and on election day. According to the CEC, police will be present wherever they warrant, without necessarily seeking the authorization of the election authorities.

The OSCE/ODIHR EOM has also had extensive discussions with the CEC on the issue of observing the vote count. Nevertheless, assurances have yet to be obtained from the CEC that observers will have full access to the vote count. At the regional level, the OSCE/ODIHR EOM is informed of a variable approach on the part of DECs and PECs; it appears that each PEC will decide for itself to what extent observers will be allowed to observe the vote count in a meaningful manner.

Regarding the composition of the PECs, the OSCE/ODIHR EOM has found that in most cases observed, PECs are composed of representatives of the same organization or institution, and that the head or deputy head of that organization is also the PEC chairperson. This may create a relationship of hierarchical subordination between members of a PEC. Also, in many cases, the PEC chairperson, his/her deputy and the PEC secretary derive from the same organization.

The process of early voting is to be conducted for five days prior to the day of election, from 23 to 27 September. Any voter is able to vote during this period, without legal limitations on reasons for doing so. The law does not require that the ballot box slot be sealed until the conclusion of early voting, nor does it require any protocol to be kept of the number of voters who voted each day or of the number of ballots issued each day. The MFA has assured the OSCE/ODIHR EOM that observers will be able to obtain a tally of the percentage of voters who voted in the early voting process.

According to the EC, the process of early voting may be administered by as few as two PEC members, although this appears to be at odds with other provisions of the law, requiring a quorum of PEC members to decide on election-related matters. The EC does not provide detailed instructions on early voting, and CEC Recommendations for the

Work of PECs only stipulate that all early voting should be conducted in the premises of the PEC.

IV. VOTER REGISTRATION

Voter lists in Belarus are established for each electoral precinct and there is no centralized or consolidated voter list at any level above the individual precinct. OSCE/ODIHR EOM observations indicate that updating and verification of the voter lists by the PECs is ongoing.

Voters not on the voter lists can be added even on the day of election on the basis of a valid identification document and certification confirming that the voter permanently or temporarily resides on the territory of that respective PEC.

A voter, by law, may only be included in one voter list. However, the absence of centralized voter registration data at the national or district level means that cross-checking for multiple entries is not *de facto* possible.

V. THE MEDIA

The preliminary media monitoring findings, covering the period from the start of the election campaign (28 August), indicate that media coverage, both on the national and local level, has been almost exclusively focused on procedural aspects of the election process. Most media, predominantly state-funded, have paid extensive attention to the President, as well as to other state authorities, including the government and the CEC, rather than on the role of the parliament or the candidates. Coverage of candidates has been largely absent or reported only as a group, without personal reference to any particular individual.

The state-owned media has adopted a particularly cautious and minimalist approach to presenting the elections. Interlocutors have told the OSCE/ODIHR EOM that, apart from the generally low-key nature of the campaign, such an approach might be influenced by the lack of clarity in the EC concerning campaign coverage and by state-media's perception of their role, which has been reduced to complying with free airtime rules. There has also been a lack of clear guidance from the CEC on the matter. Thus far, in the media, it is only through the free airtime that voters can learn of prospective candidates and their platforms.

The state-funded broadcast media have, in general, adhered to their legal obligation to provide free time to contestants. In some cases, however, the adopted schedule of appearances has not been properly followed. For example, *Radio Stolitsa* on 4 September aired the addresses of DEC 62 candidates 15 minutes earlier than scheduled. On another occasion, the address of another candidate from the same constituency was broadcast twice in a row on 11 September.

A number of interlocutors, including candidates, have criticized the five minutes of free airtime provided to candidates as being too short. Some have also commented that airing these spots from 17:30 to 18:30 is too early to reach a large audience. As a result, some candidates have rejected their free airtime in protest. Additionally, schedules providing precise information on date and time of candidates' appearance in media have

not been generally available. This may prevent voters from being aware of when they might have the opportunity to view the relevant candidate spots. At a meeting with the MFA on 11 September, the OSCE/ODIHR EOM was informed that the time for each shown candidate would be doubled and allocated to rebroadcast the initially recorded campaign spot at a more convenient time (from 19:00 to 20:00) to allow for maximum outreach to voters.

Broadcast media coverage has focused on the authorities, conveying mostly extensive information on the incumbent president, combining both working and ceremonial occasions. State-funded *BT* (First National TV) has dedicated 41 per cent of its political prime time news coverage to the president, while coverage of the government and the CEC received 20 and 19 per cent, respectively. Another state-funded broadcaster, *BR* (First National Radio), has provided up to 98 per cent of its political news coverage to the authorities. On all broadcast media, the coverage was overwhelmingly positive or neutral in its tone.

When referring to the candidates in their news coverage, broadcast media have almost always omitted the names of individual candidates and their respective cases, presenting only general information on candidates as a category. *BT* has devoted the highest level of attention to candidates (as a group) – 13 per cent. At the same time, *BT* has been the only channel to voice comparably neutral and negative information concerning candidates in general, but clearly negative remarks concerning the opposition.

Newspapers have offered readers a more diverse approach, including stories on individual candidates. However, their readership is limited due to relatively low circulation.

VI. COMPLAINTS AND APPEALS

EC (Art. 49) states that any complaints on violations of the EC or other laws should be reviewed within 3 days. This deadline can be prolonged for up to 10 days, if information contained in the complaint requires verification. Complaints received (by commissions, other state bodies) on election day should be reviewed immediately.

By 13 September, the CEC had received 287 complaints, of which 58 were not relevant to the preparation and conduct of elections, according to the CEC. The CEC made 52 decisions on appeals against DEC's for rejecting candidates' registration. In total, another 10 decisions were taken on other complaints by the CEC as a collegial body. The October 2006 EC amendments limit the right of appeal to individual nominees; nominating bodies, such as political parties, no longer enjoy this right.

Many complaints appear only to be dealt with by the CEC chairperson or by CEC staff; paragraph 31 of the CEC's Rules of Procedure allow this in "appeals of citizens and organizations that do not require the taking of a decision by the Central Commission". However, the Rules do not regulate in which cases a CEC decision is required.

The OSCE/ODIHR EOM was able to observe CEC sessions where the 52 appeals on non-registration were heard. The CEC decided in favour of candidates in 8 of these cases. Three of these appeals were not considered due to missing the appeal deadline. As advised by Mr. Lozovik, the CEC secretary, the CEC decided to "follow the letter of

the law” when deciding on non-registration appeals. The CEC upheld a number of DEC decisions, which were made on the basis of minor inaccuracies in nominees’ income and property declarations.¹ The EC (Art. 68) gives election commissions the right to refuse registration on the basis of inaccuracies in the income and property declarations. However, it does not oblige them to do so, nor does it regulate the scale of inconsistency that may serve as sufficient grounds for non-registration.

In other cases, the CEC supported DEC’s decisions refusing registration of candidates on the grounds of the number of invalid signatures in their signature support lists.² In CEC sessions observed, it became apparent that some nominees had not been provided with copies or, at times, even access to the relevant documents (protocols of signature verification, expert opinions, etc.), which served as justification for their non-registration. Furthermore, EC Art. 68 provides that decisions on refusal of registration is to be issued to candidates no later than the day after the decision, but the CEC Chairperson admitted that DEC’s were not available on the day after the registration deadline as they were handing over the registration documents to the CEC in Minsk. The same article sets a three-day deadline for appealing the decision.

Nineteen of the CEC decisions on appeals were further appealed to the Supreme Court, but one of the complainants withdrew his complaint before it was heard, and one had missed the appeal deadline. The remaining seventeen cases heard by the Supreme Court mainly involved non-registration due to inaccuracies in income and property declarations, as well as problems in support signature lists. Out of these, the Supreme Court overturned two of the CEC decisions.

The Prosecutor General’s office has formed special working groups at the central level and in the regions to deal with election-related infractions. When meeting the OSCE/ODIHR EOM, the Deputy Prosecutor General informed that their office had received 15 complaints and that they will be responding to complaints of violations rather than taking a proactive role in the election process.

The Campaign Supervision group at the CEC did not convene during the reporting period.

VII. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

In the election commissions, women appear to be well represented on DEC and PECs. Among the 275 candidates that have been registered for these elections, 58 are women (21 per cent). Women are standing in all regions, most of them in Minsk city and Minsk region. However, women are only running in 49 of the 110 constituencies.

¹ For example, some nominees failed to declare vehicles that they had sold years ago, but which had not been de-registered in the state register. Others failed to declare shares in enterprises, which had been closed *de-facto*, but remained on the state books due to minor debts.

² Examples include signatures from one family, where the dates next to the signatures were written by the single hand of one of the family members, rather than individually dating their signature. Another included entire signatures sheets invalidated on the basis that the sheet contains signatures of voters residing in different districts of the same constituency, which is provided for by Article 61 of the EC.

No specific election-related issues have been noted during the reporting period with regard to national minority groups.

VIII. DOMESTIC AND INTERNATIONAL OBSERVATION

According to information announced by the CEC on 12 September, 205 international observers from 3 organizations have been accredited by the CEC thus far. This figure includes 59 from the OSCE/ODIHR and 145 observers from the Commonwealth of Independent States (CIS) and one from the Azerbaijani CEC. As previously advised, the OSCE/ODIHR is expecting some 300 short-term observers for election day.

Although both domestic and international observers have the right to copy the results from the PEC Results Protocol, PECs are not under any obligation to certify that the results taken down by the observer represent a true copy of the PEC Results Protocol.

IX. OTHER OSCE/ODIHR ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting with the Ministry of Foreign Affairs and the CEC weekly and with other state bodies, including the Ministries of Interior and Justice, the Prosecutor General's Office and the Supreme Court. It also continued to meet with party representatives, candidates, the election administration, representatives of the media, civil society, and with diplomatic representations. LTOs deployed throughout the country continued to hold meetings with interlocutors, observe preparations for the election and the conduct of the campaign in the regions. They are preparing for the deployment of short-term observers in the week prior to election day. A second briefing for members of the diplomatic community and international organizations accredited in Belarus was held on 5 September.