



Office for Democratic Institutions and Human Rights

# REPUBLIC OF BELARUS

## PARLIAMENTARY ELECTIONS

23 September 2012

### OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

16-18 July 2012



Warsaw  
30 July 2012

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**REPUBLIC OF BELARUS  
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**OSCE/ODIHR Needs Assessment Mission Report  
16-18 July 2012**

**I. INTRODUCTION**

On 6 July 2012, the Ministry of Foreign Affairs of the Republic of Belarus invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 23 September parliamentary elections. The OSCE/ODIHR undertook a Needs Assessment Mission (NAM) from 16 to 18 July 2012. The OSCE/ODIHR NAM included Armin Rabitsch, OSCE/ODIHR Senior Election Adviser, Lusine Badalyan, OSCE/ODIHR Election Adviser, and Anna Chernova, Programme Director of the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM was to recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, the election administration, as well as with representatives of political parties, media, civil society, and international community. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and co-operation in organizing the visit. The OSCE/ODIHR is grateful to all interlocutors met with during the mission.

**II. EXECUTIVE SUMMARY**

On 18 June, the President called parliamentary elections to the House of Representatives of the National Assembly for 23 September 2012. The lower chamber of the parliament consists of 110 members (MPs) elected for four years under a majoritarian system in single mandate constituencies. All outgoing 110 members have been considered to be government supporters.

Candidates can be nominated by political parties registered at least six months before the appointment of elections, by labour collectives, and by initiative groups of citizens that collected at least 1,000 signatures. In a positive step, for the first time the 15 registered political parties can nominate candidates in all constituencies, regardless whether they maintain regional structures in districts where they nominate candidates. The leaders of many political movements are unable to contest these elections because they are either incarcerated or were given suspended sentences in the aftermath of December 2010 events. While political parties are weak (only 7 out of the 110 MPs in the outgoing parliament were elected through parties), public associations closely affiliated with the government, such as *Belaya Rus*, the Federation of Trade Unions of Belarus, the Belarusian National Youth Union and the Belarusian Association of Veterans are well organized and according to the information received by the OSCE/ODIHR NAM, the majority of candidates are likely to be nominated from these public associations.

Among the political opposition, opinions diverge whether to boycott the elections or to participate. According to most OSCE/ODIHR interlocutors, there is little interest in the parliamentary elections on the part of citizens, due to the limited role of the parliament in the country and a lack of trust in the

election process. There are still political parties and non-governmental organizations that are denied registration on technical grounds. In addition, the Criminal Code now criminalizes the activities of non-registered organizations. The restrictions on many leading opposition figures, combined with the current legislative framework and the media situation negatively affect the pre-election environment.

A recent United Nations Human Rights Committee resolution expressed “grave concern at the findings of the United Nations High Commissioner for Human Rights in her report that suggest the existence of a pattern of serious violations of human rights since 19 December 2010, that is of a systemic nature, and includes intensified restrictions on the fundamental freedoms of association, assembly, opinion and expression, including with regard to the media, as well as allegations of torture and ill-treatment in custody, impunity of perpetrators of human rights violations and abuses, harassment of civil society organizations and human rights defenders, violations of due process and fair trial safeguards, and pressure on defence lawyers.”

The electoral legal framework has not changed since 2010, despite OSCE/ODIHR recommendations provided after the 2010 presidential election. The Electoral Code does not provide for safeguards to ensure the integrity of the election day proceedings; especially early voting, counting and tabulation of results. At the end of 2011, restrictive amendments were introduced to a number of laws, among those the Law on Political Parties, the Criminal Code and the Law on Mass Events. The amendments criminalized a number of activities, such as public calls to conduct meetings, protests, demonstrations in violation of legal requirements; the receipt, storage or transfer of foreign contributions for carrying out activities prohibited by Belarusian legislation. The Central Election Commission (CEC) informed the OSCE/ODIHR NAM that for election-related campaign events organized by candidates and their proxies, the Electoral Code provisions should prevail and that election-related public events are held on a notification and not a permission-based system.

Parliamentary elections are administered by a three-level system: the CEC, 110 District Election Commissions (DECs) and some 6,300 Precinct Election Commissions (PECs). The DECs have been formed on 9 July by local authorities upon nominations from political parties, public associations, labour unions and citizen’s initiative groups. Altogether, 2,127 nominations for DECs were put forward, out of which 1,430 were appointed. Parties in opposition nominated 199 members out of whom 48 were selected, but none to management positions. All parties and public associations met with by the OSCE/ODIHR NAM, except those represented in parliament, expressed lack of confidence in the election administration and special concerns were expressed regarding early voting and the counting of votes.

Candidates have the right to establish campaign funds, which can be formed from personal funds and donations from individuals and legal entities. The limit on campaign expenditure for each candidate is 100 million BYR (about 10,000 EUR). The OSCE/ODIHR and the Venice Commission opined in their joint opinion that this is a positive amendment; however, the limits on donations to campaign funds are very low.

Since 2010, the Belarusian media landscape has changed to some degree: web-based news sources have grown, while registered independent media continues to face pressure and some have moved abroad. The OSCE Representative on Freedom of the Media (RFoM) recently appealed to the Belarusian President to stop persecuting media and called for all convictions and pending charges against journalists to be annulled. Defamation, libel or insult of the head of state is punishable by up to five years in prison. According to the Electoral Code, each parliamentary candidate will receive free

airtime, five minutes each, on state TV and radio. In addition, in a positive step and for the first time in parliamentary elections, broadcast debates among candidates within each of the 110 constituencies are scheduled to take place, which according to the CEC will be pre-recorded.

The Electoral Code provides for the domestic and international observation. Public associations, political parties, citizens' groups, labour unions have the right to be accredited as domestic observers. The OSCE/ODIHR previously recommended that genuine observation, especially of early voting and counting should be ensured but no changes have been introduced since 2010.

All representatives from the official institutions met with by the OSCE/ODIHR NAM stated their readiness to co-operate with a potential OSCE/ODIHR election observation mission. Most OSCE/ODIHR interlocutors underscored the need to observe the upcoming elections, stressing in particular the importance of observation of election day proceedings. However, some interlocutors opined that OSCE/ODIHR observation would not add value since the willingness of the authorities to hold genuine and democratic elections, is questionable.

In considering the observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report, the concerns expressed by stakeholders, as well as OSCE/ODIHR's previous engagement with Belarus on electoral issues. On this basis, the OSCE/ODIHR recommends the deployment of a standard Election Observation Mission (EOM) to assess the 23 September 2012 parliamentary elections for their compliance with OSCE commitments, other international standards, and domestic legislation. In addition to a core team of experts, the OSCE/ODIHR NAM recommends that 40 long-term observers be seconded by participating States, and 270 short-term observers will be requested of participating States to ensure a wide and balanced geographic coverage of the country for the observation of election day proceedings.

### **III. FINDINGS**

#### **A. BACKGROUND AND POLITICAL CONTEXT**

On 18 June, the President called parliamentary elections to the House of Representatives of the National Assembly (hereinafter, parliament) for 23 September. The lower chamber of the parliament is elected for four years and consists of 110 members. Previous parliamentary elections, held in 2000, 2004 and 2008, had been evaluated by OSCE/ODIHR as falling significantly short of OSCE commitments for democratic elections.<sup>1</sup> While the January 2010 amendments to the Electoral Code addressed a number of long-standing OSCE/ODIHR recommendations, the recent 2010 presidential election showed a "lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process."

At the request of 14 OSCE participating States, the OSCE Human Dimension Mechanism was triggered following the 2010 election, which was marred by detentions of most presidential candidates and hundreds of activists, journalists and civil society representatives. The appointed OSCE rapporteur

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<sup>1</sup> All past OSCE/ODIHR election observation reports for Belarus can be found at: <http://www.osce.org/odihr/elections/belarus>.

recommended participating States and the OSCE institutions to take action “to deal efficiently with an alarming situation of systematic and gross violation of human rights.”<sup>2</sup>

A recent United Nations Human Rights Committee resolution expressed “grave concern at the findings of the United Nations High Commissioner for Human Rights in her report that suggests the existence of a pattern of serious violations of human rights since 19 December 2010, that is of a systemic nature, and includes intensified restrictions on the fundamental freedoms of association, assembly, opinion and expression, including with regard to the media, as well as allegations of torture and ill-treatment in custody, impunity of perpetrators of human rights violations and abuses, harassment of civil society organizations and human rights defenders, violations of due process and fair trial safeguards, and pressure on defence lawyers.”<sup>3</sup> At the time of the OSCE/ODIHR NAM, one of the former presidential candidates, as well as the chairperson of a non-governmental human rights organization which had been observing elections in 2010 were still in prison.<sup>4</sup> Several Belarusian political and human rights activists also face limitations of their freedom of movement since they are hindered in travelling outside the country.<sup>5</sup> In its resolution on Belarus in July 2012, the OSCE Parliamentary Assembly called on the government of Belarus to release and exonerate all political prisoners, including those given suspended sentences.<sup>6</sup>

For the 23 September parliamentary elections, no new political parties have been registered.<sup>7</sup> Of the current 110 members of the parliament, only 7 have been elected from political parties; 6 for the Communist Party of Belarus and 1 for the Belarusian Agrarian Party, while all others were not party-affiliated. All outgoing 110 members have been considered to be government supporters. While political parties are weak, public associations closely associated with government, such as *Belaya Rus*, the Federation of Trade Unions of Belarus, the Belarusian National Youth Union and the Belarusian Association of Veterans are well organized and are entitled to nominate and support individual candidates. The OSCE/ODIHR NAM was informed that *Belaya Rus* planed to nominate candidates in all but four constituencies.<sup>8</sup>

Among the political opposition opinions, diverge whether to boycott the elections (Belarusian Christian Democracy, European Belarus, Young Front) or to participate (Fair World – New Left, Tell the Truth); some with the declared aim to withdraw candidates before election day as a sign of solidarity with those incarcerated on political grounds (United Civic Party, Belarusian Popular Front). According to most OSCE/ODIHR interlocutors there is little interest on the part of citizens in the parliamentary elections, due to the limited role of the parliament in the country and lack of public confidence in the election process.

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<sup>2</sup> See OSCE rapporteur’s report at: <http://www.osce.org/odihr/78705>.

<sup>3</sup> See the resolution at: [http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/FDB3C580B5A9AA99C1257A32004AF5EC?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/FDB3C580B5A9AA99C1257A32004AF5EC?OpenDocument).

<sup>4</sup> Nikolai Statkevich and Ales Bialiatski. The UN Human Rights Committee urged “the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners”. *Viasna* Human Rights Center indicates a total of 13 political prisoners: <http://spring96.org/en/news/49539>.

<sup>5</sup> On 14 March 2012 Zhanna Litvina, Chairperson of the Belarusian Association of Journalists, Andrey Dynko, Chief Editor of *Nasha Niva* newspaper, and Mikhas Yanchuk, a representative of BelSat TV channel in Minsk, intended to travel outside of Belarus but were informed by the border guards that they were “temporarily banned” from foreign travel. Viktor Kornienko, co-chairperson of the campaign ‘For Fair Elections’ was prevented from travelling to the OSCE Supplementary Human Dimension Meeting in Vienna in July 2012.

<sup>6</sup> See the OSCE Parliamentary Assembly’s Resolution at: <http://www.oscepa.org/meetings/annual-sessions/2012-monaco-annual-session>.

<sup>7</sup> According to the Ministry of Justice, there are 15 registered political parties in Belarus.

<sup>8</sup> *Belaya Rus* has over 130,000 members and is headed by the deputy head of the presidential administration.

## B. LEGISLATIVE FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily governed by the Constitution, the 2010 Electoral Code,<sup>9</sup> as well as Central Election Commission (CEC) instructions and decisions. After the 2010 presidential election, the OSCE/ODIHR provided a set of recommendations in its final report aimed at improving the legal framework and electoral practices, which have yet to be addressed.

At the end of 2011, restrictive amendments were introduced to a number of laws, among those to the Law on Political Parties, the Criminal Code and the Law on Mass Events. The amendments criminalized a number of activities, such as public calls to conduct meetings, protests, demonstrations in violation of legal requirements; the receipt, storage or transfer of foreign contributions for carrying out activities prohibited by the Belarusian legislation.

The OSCE/ODIHR and Venice Commission joint opinion on the Law on Mass Events concluded that “the law creates a complicated procedure of compliance of a rigid and difficult authorization procedure, leaving authorities with a very wide discretion on how to apply the law. The law fails to envisage adequate mechanisms and procedures to ensure that the freedom of peaceful assembly and freedom of expression are practically enjoyed and not subject to undue bureaucratic regulation. Such overregulation is likely to restrict excessively the exercise of the freedom of assembly and freedom of speech.”<sup>10</sup> The CEC informed the OSCE/ODIHR NAM that for election-related campaign events organized by candidates and their proxies, the Electoral Code provisions should prevail and such public events are held on a notification and not a permission-based system.

The right to freedom of association is a basic right for any democratic society to ensure genuine elections. However, a number of political parties and non-governmental organizations are still refused registration on technical grounds.<sup>11</sup> In addition, the Criminal Code criminalizes the activities of non-registered organizations.<sup>12</sup>

According to the Constitution and the Electoral Code, those in pre-trial detention and those serving prison sentences for any criminal offence, regardless of the gravity of the crime, do not have the right to vote or to be elected. The OSCE/ODIHR has previously indicated that denying the right to vote for

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<sup>9</sup> After the 2010 presidential election only one change was introduced to the Article 48<sup>1</sup> of the Electoral Code stipulating that non-governmental organizations, which at least within one year before the election day received foreign funds, cannot contribute to the electoral funds established by political parties and candidates.

<sup>10</sup> See the OSCE/ODIHR and the Venice Commission joint opinion on the Law on Mass Events at: [http://www.venice.coe.int/docs/2012/CDL-AD\(2012\)006-e.pdf](http://www.venice.coe.int/docs/2012/CDL-AD(2012)006-e.pdf).

<sup>11</sup> According to the Ministry of Justice, one of the main reasons for not registering the parties and non-governmental organizations is that they do not comply with the legislation requirements; for instance, Human Rights Center *Viasna* had problems with their legal address and the Christian Democratic Party provided incorrect signatures. The Christian Democratic Party informed the OSCE/ODIHR NAM that their supporters were pressured to withdraw their signatures by local authorities on a number of occasions.

<sup>12</sup> See the Council of Europe’s Venice Commission Opinion on the Compatibility with Universal Human Rights of Article 193-1 of the Criminal Code on the Rights of Non-Registered Associations at: [http://www.venice.coe.int/site/dynamics/N\\_Opinion\\_ef.asp?L=E&OID=633](http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=633).



those in pre-trial detention and the denial of suffrage rights irrespective of the nature of the crime committed is not in line with OSCE commitments and international standards.<sup>13</sup>

The OSCE/ODIHR has already noted on many occasions that the election legislation does not provide for safeguards to ensure the integrity of election day proceedings, especially early voting, counting and tabulation of results. None of the OSCE/ODIHR recommendations provided in 2010 to improve the counting and tabulation procedures have been addressed. Procedures are not sufficiently detailed nor are there provisions for the publishing of results by polling station, a measure that could potentially increase confidence.

All 110 members of the parliament are elected under a majoritarian system in 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 two candidates with the most votes. In order for the election to be valid, more than 50 per cent of registered voters have to cast their vote in the first round; which is reduced to 25 per cent in case of a second round.

### C. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-level system: the CEC, 110 District Election Commissions (DECs) and some 6,300 Precinct Election Commissions (PECs).<sup>14</sup> The CEC is a permanent 12-member body appointed for a five-year term. As the last CEC's term of office expired in January 2012, a new commission was formed in December 2011. In line with the Electoral Code, the president appoints six members, including the chairperson, and the upper house of the parliament appoints the other six members. According to the CEC, four new members were appointed, but the chairperson, the deputy chairperson and the secretary were all re-appointed.

DECs have been formed on 9 July by local authorities and should be composed of a maximum of 13 members. Political parties, public associations, labour unions, as well as citizens' groups can nominate DEC members. The Electoral Code provides that local authorities should ensure that at least one third of the commission is composed of political party and public association representatives. However, the law does not provide for any criteria for the selection of commission members and local authorities retain full discretion over appointments. In 2010, the OSCE/ODHIR recommended that the Electoral Code should include clear and detailed procedures on the formation of election commissions.

Altogether 2,127 nominations for DECs were put forward, out of which 1,430 were appointed. According to the CEC, 25 per cent of 'opposition' party nominations were accepted. Local observer groups reported that parties in opposition nominated 199 members, out of whom 48 were selected, while pro-government public association *Belaya Rus* nominated 117 members of whom 106 were appointed. The majority of DEC members represent pro-government associations like the Federation of Trade Unions of Belarus, the Belarusian National Youth Union, *Belaya Rus*, and the Belarusian Association of Veterans. None of the opposition nominees was selected to management positions in the DECs. Most OSCE/ODIHR NAM interlocutors noted that the DEC formation process was not

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<sup>13</sup> According to paragraph 5.19 of the 1990 OSCE Copenhagen Document "everyone will be presumed innocent until proved guilty according to law." Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will "guarantee universal and equal suffrage to adult citizens". General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee states that grounds for the deprivation of voting rights should be "objective and reasonable" (point 14).

<sup>14</sup> According to the Ministry of Foreign Affairs, for the parliamentary elections approximately the same number of out-of-country polling stations will be opened as during the last elections. In the 2010 presidential election, out-of-country voting was conducted at 45 polling stations abroad.



transparent and some parties challenged local authorities' decisions on DEC formation, however courts either rejected the complaints on technical grounds or upheld the decisions. PECs are formed according to the same principles and should be composed by 8 August.

The CEC informed the OSCE/ODIHR NAM that it has already started to train DEC members and adopted a decision on conducting training sessions for PECs. The CEC also informed that it held three sessions at which a number of decisions were taken. Among others, it approved the election calendar, adopted the territorial description of districts, and established a working group for the consideration of complaints.

The Electoral Code requires the establishment of 110 single-mandate electoral districts. The CEC decides the average number of voters in each district. By law, the deviation in the number of voters per district should not exceed 10 per cent. According to the CEC, the average number of voters per district is 64,594 and only one district is not in line with the 10 per cent deviation rule, exceeding it by 600 voters due to population density.

There is no centralized or consolidated voter register maintained on a permanent basis, which has been the subject of previous OSCE/ODIHR recommendations. Voter lists are compiled for each precinct by the relevant local administration. The CEC informed that the voter lists are not yet updated, but that based on the 2010 election data there are some 7 million registered voters.

In its 2010 final report, the OSCE/ODIHR recommended that political parties be given a meaningful opportunity to participate in the work of election commissions to increase transparency and build public confidence. All parties and public associations, except those in the parliament, expressed a lack of confidence in the election administration and raised concerns regarding its impartiality. Particular concerns were expressed regarding early voting and counting of votes.

#### **D. CANDIDATE REGISTRATION**

According to the Electoral Code, any citizen over the age of 21 who resides in Belarus permanently may stand for parliament. The nomination of candidates began on 15 July and ends on 13 August. With a 10 day review period, candidates should be registered by the respective DEC by 23 August. Candidates can be nominated by political parties registered at least six months before the appointment of elections, by labour collectives, and by initiative groups of citizens that collected at least 1,000 signatures. Candidates can be nominated using all three methods, but should be nominated only in one district.<sup>15</sup>

For the 2012 elections and for the first time, political parties can nominate candidates in all constituencies regardless of whether they maintain regional structures in districts where they nominate candidates.<sup>16</sup> The OSCE/ODIHR and the Council of Europe's Venice Commission in its joint opinion on the 2010 amendments to the Electoral Code considered this amendment an improvement. Also on the basis of these amendments, candidate applications may only be refused for errors in declarations of

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<sup>15</sup> Candidates nominated in more than one district are required to confirm with the relevant DEC in which they intend to stand and to decline the nominations formally in the other DEC's no later than three days before the nomination deadline. Otherwise, the candidate can be denied registration in all districts.

<sup>16</sup> In its 2008 final report, the OSCE/ODIHR noted that the requirement that a political party must have an organizational structure on the territory of the respective district in order to nominate candidates represents an excessive regulation of the internal workings of political parties and creates unwarranted obstacles.

income and property if such errors are substantial. However, without precise rules on what constitutes ‘substantial’, such decisions may be arbitrary.<sup>17</sup>

Candidates have the right to establish campaign funds, which can be formed from personal funds and donations from individuals and legal entities. Donations from foreign organizations and citizens, state and local authorities, charity organizations, individuals without citizenship, and anonymous donors are prohibited. The limit on campaign expenditure for each candidate is 100 million BYR (about 10,000 EUR). The OSCE/ODIHR and the Venice Commission opined in their joint opinion that this is a positive amendment; however the limits on donations to campaign funds are very low.

## E. MEDIA

The OSCE Representative on Freedom of the Media (RFoM) stated that “the brutal treatment of media representatives by law-enforcement agencies in the aftermath of the election shattered signs of progress” and appealed recently to the Belarusian President to stop persecuting media and called for all convictions and pending charges against journalists to be annulled.<sup>18</sup> Defamation, libel or insult of the head of state is punishable by up to five years in prison.

The media landscape shows a trend to move from hard copy newspapers to online news media. According to the Ministry of Information that registers mass media, there are currently 86 registered television (TV) stations, 166 radio stations and around a thousand print media outlets. The main state-funded National State Television and Radio Company (NSTRC) is comprised of three television and eight radio stations, and is the principal source of political information. According to the Ministry of Information, about two third of households (2 million) have access to cable TV that also receives Russian media. Other media, such as the *BelSat* TV channel, *Radio Racyja* and the *European Radio for Belarus*, broadcast from Poland to Belarus.

The state newspaper *Sovietskaya Belorussia* (SB – Belarus Today), with 400,000 circulated copies, is by far the biggest daily. For the upcoming elections, the CEC has not included it in the list of newspapers to cover the candidate programmes. The OSCE/ODIHR NAM was informed that the CEC had reasoned that any candidate mentioned by the newspaper would be provided with an undue advantage.

The OSCE RFoM has expressed alarm about lawsuits filed by the Ministry of Information aimed at shutting down *Nasha Niva* and *Narodnaya Volya*, the largest independent political newspapers.<sup>19</sup> The lawsuits followed several warnings about the newspaper’s reporting on the 11 April 2011 metro blast and protest rallies after the 19 December 2010 presidential election. *Nasha Niva* and *Narodnaya Volya* lost their appeals against the last warning and the Supreme Economic Court ruled that the trial on closing the newspaper should continue.

The private news agency, *BelaPAN*, informed the OSCE/ODIHR NAM that access to government sources of information have become more restricted since the 2010 election and explained that it

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<sup>17</sup> See the OSCE/ODIHR and the Venice Commission Joint Opinion at: <http://www.osce.org/odihr/elections/belarus/68711>.

<sup>18</sup> In her letter, the OSCE RFoM referred to the cases of journalists Irina Khalip of *Novaya Gazeta* and Andrzej Poczobut of *Gazeta Wyborcza*, sentenced to suspended prison sentences for their criticism of the authorities, as well as Natalia Radina of Charter97.org, who had to leave Belarus to avoid prosecution and imprisonment. See the statements at: <http://www.osce.org/fom/74671> and <http://www.osce.org/fom/90394>.

<sup>19</sup> See the OSCE RFoM statement at: <http://www.osce.org/fom/89307>.

decided to provide its content free of charge to regional mass media as a reaction to a sharp drop of subscription by state enterprises following the 2010 elections.

According to the Electoral Code, each parliamentary candidate is to receive free airtime, five minutes each, on state TV and radio.<sup>20</sup> In addition and for the first time in parliamentary elections, TV and radio debates among candidates within each of the 110 constituencies are scheduled to take place. While the CEC announced these debates would be pre-recorded, NSTRC noted to the OSCE/ODIHR NAM that it favours live debates, without editing.<sup>21</sup> NSTRC informed the OSCE/ODIHR NAM that it reserves the right to censor “immoral” statements (such as calling for international sanctions against Belarus) by candidates. Additionally, each candidate has the right to buy airtime for political advertisement from their campaign funds.

Internet is becoming an important and alternative source of information and has been regulated by a presidential decree requiring individuals to register in order to access the internet and banning access to news websites such as *Charter97.org*.<sup>22</sup>

In line with the law, the CEC has established a media supervisory committee which is to consider media-related complaints during the election campaign.

#### **F. ELECTION OBSERVATION**

The Electoral Code provides for domestic and international observation. Public associations, political parties, citizens’ groups, labour unions have the right to accredit domestic observers. The OSCE/ODIHR previously recommended that genuine observation, especially of early voting and counting should be ensured but no changes have been introduced since 2010.

As during previous elections, the Human Rights Center ‘*Viasna*’ and the Belarusian Helsinki Committee (BHC) have undertaken a joint election observation activity named “Human Rights Defenders for Free Elections” with 106 long-term observers and 300 short-term observers to be deployed on election day. The BHC has accredited with the CEC and was present at CEC sessions. Another large-scale observation effort, “For Fair Elections” is composed of 14 political parties and non-governmental organizations and intends to focus on observing the election day proceedings by deploying about 2,000 observers.

#### **IV. CONCLUSION AND RECOMMENDATION**

All representatives from the official institutions met with by the OSCE/ODIHR NAM stated their readiness to co-operate with a potential OSCE/ODIHR election observation mission. Most OSCE/ODIHR interlocutors underscored the need to observe the upcoming elections, stressing in

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<sup>20</sup> The OSCE/ODIHR NAM was informed that the sequence will be decided by lottery on the day CEC announces the registered candidates, and that free air time for candidates will be broadcasted at primetime from 19:00 to 20:00.

<sup>21</sup> According to the National State Television, the debates for 20 constituencies in Minsk will be nationwide broadcasted on STV channel, while the other 90 debates will be broadcasted in the regional window of state TV in the respective region. Each candidate will be given the opportunity to present his/her arguments for about a minute before candidates are asked three general questions and finally candidates will have the opportunity to ask one opponent one question.

<sup>22</sup> Charter 97 moved its operation from Minsk to Vilnius following the 2010 December events. Much of their editorial staff has also left the country.

particular the importance of observation of election day proceedings. However, some interlocutors opined that OSCE/ODIHR observation would not add value since the willingness of the authorities to hold genuine and democratic elections, is questionable.

In considering the observation activity, the OSCE/ODIHR NAM has taken into account the various findings outlined in this report, the concerns expressed by stakeholders, as well as OSCE/ODIHR's previous engagement with Belarus on electoral issues. On this basis, the OSCE/ODIHR recommends the deployment of a standard Election Observation Mission (EOM) to assess the 23 September 2012 parliamentary elections for their compliance with OSCE commitments, other international standards, and domestic legislation. In addition to a core team of experts, the OSCE/ODIHR NAM recommends that 40 long-term observers be seconded by participating States, and 270 short-term observers will be requested of participating States to ensure a wide and balanced geographic coverage of the country for the observation of election day proceedings.

## **ANNEX: LIST OF MEETINGS**

### **State and Election Authorities**

#### **Ministry of Foreign Affairs**

Alena Kupchyna, Deputy Minister

Roman Romanovsky, Deputy Director General for Europe – Head of European Co-operation Department

Vladimir Solovyev, First Secretary, OSCE and Council of Europe Unit

#### **Ministry of Justice**

Anna Shpak, Head of Central Department on Lawmaking in State Development

Elena Kirichenko, Head of Department of Non-Profit Organizations

Elena Filimonova, Acting Deputy Head of Department on Legal Support and Foreign Relations

Tatiana Kozlovskaya, Specialist of the Department on Legal Support and Foreign Relations

#### **Ministry of Information**

Dmitry Shedko, Deputy Minister

Oleg Burak, Chief Specialist of the Department of Print Media and External Relations

#### **Supreme Court**

Andrei Zabara, Deputy Chairperson

Galina Zhukovskaya, Judge

Sergei Laskevich, Head of Organizational Department

#### **Presidential Administration**

Aleksandr Radkov, First Deputy Head of Administration

Sergey Chichuk, Deputy Head of the Department of Foreign Policy

#### **Central Election Commission**

Lidia Yermoshina, Chairperson

Nadezhda Kiseleva, Head of Legal Department

#### **House of Representatives**

Vasily Baykov, Chairperson of the Standing Committee on State Building, Local Governance and Procedures

Alexander Zozulya, Deputy Chairperson of the Standing Committee on State Building, Local Governance and Procedures; Member of the Public Association “Belarusian Union of Veterans of Afghanistan”

Mikhail Orda, Deputy Chairperson of the Standing Committee on State Building, Local Governance and Procedures; Deputy Chairperson of Public Association “*Belaya Rus*”

Valentina Leonenko, Member of the Standing Committee on International Affairs and Relations with the CIS; Secretary of the Communist Party

Mikhail Rusy, Member of the Standing Committee on Environment and Nature; Chairperson of the Agrarian Party

Andrey Yakovlev, Chief Specialist of the Department of International Cooperation of the Secretariat

Nataliya Kiyenya, Chief Specialist of the Department on the Support to the Standing Committee on State Building, Local Governance and Procedures

**National State TV and Radio Company**

Gennady Davydko, Chairperson  
Olga Shliager, Deputy Director of Belarus 2 TV Channel  
Kirill Kazakov, Director of TV News Agency  
Anton Vasiukevich, Director of the First National Channel of Belarusian Radio Division  
Vladimir Morozov, Director of International Relations Department

**State Newspaper "SB – Belarus Today"**

Pavel Yakubovich, Editor-in-Chief

**Political Parties, Public Movements and Associations**

Vital Rymasheuski, Co-Chairperson, Belarusian Christian Democracy  
Vladimir Neklyaeu, Leader of the Civil Campaign "Tell the Truth"  
Sergey Voznyak, Co-ordinator of the Staff, "Tell the Truth" Campaign  
Aliaksandr Atroshchankau, Press Secretary, European Belarus  
Nasta Palazhanka, Deputy Chairperson, Young Front Movement  
Alexey Yanukevich, Chairperson, Belarusian Popular Front  
Anatol Liabedzka, Chairperson, United Civic Party  
Lev Marholin, Deputy Chairperson, United Civic Party  
Sergey Kalyakin, Chairperson, Fair World

**Civil Society and Media**

Oleg Hulak, Chairperson, Belarusian Helsinki Committee  
Valiantsin Stefanovich, Co-Chairperson, Human Rights Center *Viasna*  
Zhanna Litvina, Chairperson, Belarussian Association of Journalists  
Ales Lipay, Director, BelaPAN News Agency

**Diplomatic Community and International Organizations**

Representatives of Embassies of OSCE Participating States and International Organizations