

"HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS"

**ELECTIONS TO THE CHAMBER
OF REPRESENTATIVES
OF THE FIFTH CONVOCATION
23 SEPTEMBER 2012**

**RESULTS
OF INDEPENDENT OBSERVATION**

Minsk, 2013

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CONVOCAATION, 23 SEPTEMBER 2012

RESULTS OF INDEPENDENT OBSERVATION

Edited by Tatsiana Reviaka

This publication presents the results of an independent observation of the elections of deputies of the Chamber of Representatives of the National Assembly of the Republic of Belarus in 2012, carried out by the Human Rights Center "Viasna" and the Belarusian Helsinki Committee in the framework of the campaign "Human Rights Defenders for Free Elections."

The book provides an assessment of the electoral process from the point of view of the Belarusian electoral legislation and international standards of free and democratic elections.

The book was prepared on the basis of reports by long-term and short-term observers.

The publication makes use of photos by the campaign "Human Rights Defenders for Free Elections," the web-site photo.bymedia.net, and the official web-site of Pinsk town executive committee.

"Human Rights Defenders for Free Elections", 2013



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List of Abbreviations

- BCD — Belarusian Christian Democracy
- Belarusian Women's Union — Public Association "Belarusian Women's Union"
- Belaya Rus — National public association "Belaya Rus"
- BHC — Human rights public association "Belarusian Helsinki Committee"
- BLP "Fair World" — Belarusian Left Party "Fair World"
- BPF — Belarusian Popular Front Party
- BRSM — Public Association "Belarusian National Youth Union"
- BSDP (H) — The Belarusian Social Democratic Party (Hramada)
- BSSP — Belarusian Social Sports Party
- Calendar Plan — Calendar plan of arrangements for preparation and conduct of elections to the House of Representatives of the National Assembly of the Fifth Convocation
- CAO — Code of Administrative Offences
- CCP-BPF — Conservative Christian Party of BPF
- CEC — Central Commission for Elections and Referenda
- CIS — Commonwealth of Independent States
- CPB — Communist Party of Belarus
- DEC — District Election Commission
- EC — Electoral Code of the Republic of Belarus
- KGB — Committee for State Security of the Republic of Belarus
- LDPB — Liberal Democratic Party of Belarus
- Movement "For Freedom" — Human rights and educational public union movement "For Freedom"
- OSCE — Organization for Security and Cooperation in Europe
- OSCE/ODIHR — Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe
- PEC — Precinct Election Commission
- RPLJ — Republican Party of Labor and Justice
- TEC — Territorial Election Commission
- UCP — United Civil Party

Introduction

The "Human Rights Defenders for Free Elections" campaign is an independent and non-partisan joint initiative of the Human Rights Center "Viasna" and Belarusian Helsinki Committee.

The objective of the "Human Rights Defenders for Free Elections" campaign is election observation, assessment of the electoral process and its compliance with the Belarusian electoral legislation and the international standards of free and fair elections, as well as informing the Belarusian public and the international community about the observation results.

On the first day of the elections 95 long-term observers began their work within the framework of the campaign, covering 106 out of 110 electoral districts. They prepared weekly reports on the course of the election process, which were processed, presented and distributed as the campaign's weekly and preliminary reports on all stages of the elections.

295 short-term observers at 150 polling stations all over the country observed the early voting and the Election Day procedures, including 70 participants of the project "Election Observation: Theory and Practice." Their reports were processed every day, making it possible to reveal the general trends in the election administration and register the level of violations of the Electoral Code.

Conclusions

The "Human Rights Defenders for Free Elections" campaign comes to conclusion that the election process was marked by serious violations of the principles of democratic and fair elections, as described in the OSCE standards and the Belarusian legislation. The election took place in the atmosphere of political persecution and repression of the opponents of the government; this political environment, as well as the limitations at the stages of creation of election commissions and campaigning had a negative effect on the freedom to make an informed choice. Non-transparency of vote count procedure makes it impossible to state that the election results reflect the will of the Belarusian people.

The election of 2012 is the first parliamentary election conducted under the amended Electoral Code. Mainly, the amendments to the EC are of a positive nature. However, the absence of effective mechanisms of enforcing the citizens' rights and appealing against violations significantly diminish the positive effect of the amendments. The substantial part of the election process remains non-transparent and non-public. The electoral legislation lacks sufficient mechanisms to resist manipulation in administration of the election.

Lack of criteria for selection of nominated candidates to election commission made it possible for the executive bodies to manipulate the process. Although the Electoral Code guarantees representation of political parties and public associations in election commissions, in practice the representatives of the political parties in opposition made up less than 1 per cent of the commissions.

Registration of the initiative groups by District Election Commissions (DECs) was done mainly without any violations. However, observers were not able to observe the process of verification of voters' signatures in signature forms, which gives the stakeholders the grounds to distrust the results, especially in cases when DECs denied registration to candidates. Altogether, 494 candidates were nominated, 122 (24.6%) were not registered. Political parties nominated 204 candidates (41% of all nominated candidates). 23% of candidates nominated by political parties were not registered, 19.5% of them were nominees of the political parties in opposition.

The campaigning stage was marked by the use of the administrative resource for the benefit of the pro-governmental candidates. Simultaneously the state media published materials covering the activity of the opposition forces in the negative light. Compared with the parliamentary election in 2008, the legal base for campaigning has been improved. However, the executive authorities narrowed down the campaigning possibilities envisaged by the amendments.

A great number of opposition party candidates were deprived of an opportunity to reach voters with their opinion. We have observed multiple instances when presentations and programs of opposition candidates were censored or not aired. This has significantly limited the rights of voters to receive complete information about candidates and their programs.

In the initial days of early voting there was little difference between the observers' data and the PEC information relating to the number of voters who had voted early. However, by the end of the early voting the difference between the official and the observers' data grew bigger. Also, the number of polling stations at which the PEC data was different from the observers' data increased significantly by the end of the early voting period.

Observers received multiple refusals of election commissions to provide information about the number of voters registered at polling stations. Observers also noted facts of violations in the work of PECs, when PEC members failed to seal the ballot boxes in a sound manner, ignoring the remarks made by observers. There were also instances when polling station premises were not sealed during the breaks and at the end of the day.

The voting process was marked by numerous violations during voting at the voter's location. This primarily concerned arranging voting at the voter's location for voters who failed to apply for the option, and obstacles in observers' activities by members of precinct election commissions.

The vote count was not transparent. The observers were not able to monitor the accuracy of the vote count. The campaign's observers reported discrepancies between their estimates on voter turnout and the data specified in the PECs' voting results records.

525 complaints and appeals were submitted during this election. The majority of complaints are about ungrounded refusal to include representatives of the opposition parties and public associations in election commissions. Similarly to the previous election, none of the complaints were satisfied. The Central Commission received 57 complaints about non-registration of candidates, 11 of which were satisfied. The Supreme Court satisfied 1 out of 19 complaints submitted against the CEC decisions.

Election Campaign.

Social and Political Background.

The parliamentary elections of 2012 were perceived as another administrative procedure to determine representatives of the state agency that has for a long time been deprived of any independence in making important decisions for the country. This partly explains the low profile of the elections to the Chamber of Representatives both in the society and among opposition forces.

Traditionally, the Belarusian authorities hold parliamentary elections in a "quiet mode" to avoid unwanted mobilization of election protesters. The 2012 elections were no exception. Many foreigners who visited Belarus in the summer of 2012 noted the absence of any external signs of the campaign. The state-owned media provided nearly no coverage of the candidates' campaigns. The opposition largely used the campaign as a means of solving its internal issues, instead of communicating with the voters. The authorities renewed the composition of the Chamber of Representatives, while retaining its complete loyalty, without using significant repressive measures. The European Union still considered the elections in Belarus as an opportunity for a change and as a kind of test for the official Minsk.

Along with the preserved Soviet-era tradition of voting, the Belarusian society was however rather realistic about the actual voting procedure and the degree of importance of Parliament as the authority. In particular, according to the data provided by the Independent Institute of Socio-Economic and Political Studies (IISEPS), 54.5% of respondents believed that the results did not depend on their votes, while the opposite opinion was expressed by only 36.7%¹. In June 2012, 39.6% suggested that the elections would not be free and fair (36.8% said they would). 46.9% (vs. 39.1%) were confident that the elections would be a mere imitation of contest, and the distribution of seats was pre-determined by the authorities. However, in June, 50.7% of respondents confirmed their intention to participate in the elections². The example of the previous election campaigns shows that, as we approach the Election Day, this figure is growing. However, compared to the 2008 elections, the number of potential voters has decreased significantly, indicating a general loss of interest in the elections.

In this regard it should be noted that the gradual decline of interest in the elections was not associated with the idea of a boycott, which was supported by only 14.2% of respondents on the eve of the campaign. Thus, the passivity of a part of the electorate is not due to a civil choice not to participate in the fraudulent elections held under a scenario of the authorities, but is rather linked to a lack of confidence in the fact that the Chamber of Representatives can solve their problems, and the lack of a visible, understandable and attractive alternative political platform (the same survey showed that opposition leaders could be supported by only 8.6% of the population).

None of the political actors, that was one way or another involved in the election campaign, believed in the fairness of the elections and the possibility of at least some impact on the political situation through their conduct. This position, however, failed to become a unifying principle for the opposition. On the contrary, three strategies were chosen: boycotting, participation, and conditional participation (UCP and BPF withdrew their candidates ahead of the elections). This made an additional contribution to the frustration of the electorate.

It is worth noting that, despite the assurances of supporters of the boycott scenario, who announced their intention to organize a vigorous campaign, in fact, there were only a few pickets, the rest of the activity was limited to appearances in opposition and independent media. As a result, the overall picture of the electoral behavior was not affected. As shown by post-election surveys, the proportion of those who remained confident in the fairness of the elections was further increased.

Parties and movements that set more realistic goals — to expand the number of their supporters through participation in the elections — at least reminded the public of their existence and

1 <http://www.iiseps.org/press5.html>

2 <http://www.iiseps.org/press9.html>

proposed specific programs. But even this opposition group mainly raised issues that are of little concern to the average citizen — the problems of human rights, political prisoners, reform of public administration, etc.

As a result, the political opposition withdrew from the election as two rival blocs (supporters and opponents of the boycott), who continued to dispute the effectiveness and morality of boycotting the elections in the current political environment.

Thus, the political opposition, even though some of its leaders sought to expand their social base, used the electoral campaign to reformat statuses within the opposition community. Most slogans and in-focus issues touched upon by opposition candidates during the election campaign were primarily associated with the oppositional discourse, rather than social or economic problems in the country, which are of prime concern to the citizens. During their speeches, most leaders and activists mainly assessed the reactions by their colleagues from the opposition, not the voters of their districts.

With regard to the international context, it was not in favor of a liberal campaign, being even worse than back in 2008 or 2010.

The 2012 elections were held against the backdrop of a serious diplomatic crisis in the Belarus-EU relations. In the spring of 2012 the EU was even forced to withdraw all ambassadors from Minsk in solidarity with the actual removal by Belarus of its envoys to Poland and the EU. The relationship was marred by the so-called "Swedish air-drop," when several employees of a Swedish PR-agency dropped teddy bears over Belarus from a small aircraft. This led to the closure of the Swedish mission in Belarus and the removal of the Belarusian ambassador from Sweden.

Back in March, the European Union declared a new program for Belarus under the name "European Dialogue on Modernization with Belarus," which appeared to be directed to the Belarusian opposition and civil society, as the authorities in Belarus could not participate in it until the release of all political prisoners. These actions caused even higher degree of anti-Western rhetoric of the Belarusian leadership and official media, which could not but affect the overall progress of the campaign.

According to a tradition, the European Union timed another revision of sanctions against the Belarusian leadership to the election, giving too much importance to this event, which in itself is not evidence of intent (or lack thereof) of the official Minsk to improve relations with the EU. Elections is always the most dangerous and vulnerable period of life of an authoritarian regime, as it mobilizes both its supporters and opponents. So, naturally, in the course of the elections the authorities are trying to better control the flow of this process. Hence the increased repression and control of the media, and a rush of propaganda. Accordingly, each time the conclusions on Belarus tied to the elections are negative and call for an expansion of sanctions, which creates a situation of preserving the low level of Belarusian-European relations. However, being accustomed to democracy, Europeans continue to see the Belarusian elections as the will of the citizens, and not as a routine administrative procedure within the personnel policy.

It should be noted that the Belarusian authorities felt pretty confident ahead of the campaign, not to take serious concessions to the West and to keep expecting better offers and guarantees. Such confidence was provided by a reliable back form Russia, which is not interested to spoil its relations with Belarus until the final formation of the Eurasian Union.

The Chamber of Representatives was significantly reshuffled; it retained only 19% of MPs in the previous composition. It is possible that this was a tactical move, which was designed to start from scratch the new Parliament's relationship with the West. The same purpose is probably served by the appointment of the new Minister of Foreign Affairs Uladzimir Makei, known for his comparative liberalism.

However, despite this seemingly fatal propensity of the Belarusian elections, there are indications that this is still not a meaningless ritual. Participating in them requires careful analysis of and conclusions on the electoral process. The facts recorded by independent observers are a kind of chronicle of events, which provides material for such an analysis, understanding not only the election, but the political process in the modern history of Belarus in general.

Legal Framework

The election to the Chamber of Representatives of the National Assembly was appointed by presidential decree No. 276 of June 18, 2012, which set the Election Day for 23 September. The elections were held in 110 single mandate electoral districts on the basis of a majoritarian system.

The election to the Chamber of Representatives of the fifth convocation was the first parliamentary election held under the Electoral Code amended in 2010 and 2011.³ The following are the main changes in the electoral legislation:

- Each election commission should include at least one third of representatives of political parties and other public associations; it is prohibited to include judges, prosecutors, heads of local executive and administrative bodies as commission members; state officials cannot make up more than one third of commission members.
- The minimum required number of citizens in a group that can nominate their representatives to a district election commission was decreased from 30 to 10. Also, the number of members of a work collective that delegates a representative to a commission was decreased from 30 to 10. The amended EC set forth the right of the entities that nominated their representatives to commissions to be present at meetings of entities that created them.
- Candidates and their proxies can use notification procedure for holding mass campaign events in the places determined by the local executive and administrative bodies, instead of application for permission.
- In order to nominate a candidate for parliamentary election in a given district, political parties no longer need to maintain a local structure there.
- Decisions of the bodies that formed the commissions may be appealed to courts by entities that nominated their representatives to commissions.
- Candidates to the Chamber of Representatives now have the right to create private election funds for financing their campaign activities in the amount of 1,000 basic units (approx. 9,000 Euros).

The amendments to the Electoral Code mainly are of the positive nature and, in part, take into account the recommendations made by the OSCE experts. However, many of the recommendations, including measures to increase the transparency of the election process, remained unattended. There were no regulations for ensuring open public vote count. Commission chairperson and secretary still have no obligation to give a copy of the protocol of election results to persons who have the right to be present during vote count at polling stations. Thus, the election legislation has kept the drawbacks in regulation of the election procedures that can be used to a greater extent for abuse and falsification of the election results.

Resolutions of the Central Commission were also an important methodological source, as they provided legal basis for explaining many aspects of the election campaign.

³ Electoral Code of the Republic of Belarus. February 11, 2000 No. 370-3. Changes and amendments: Law of the Republic of Belarus No. 99-3, of January 4, 2010; and Law of the Republic of Belarus No. 309-3 of November 8, 2011.

Formation of Election Commissions

In accordance with Article 28 of the EC, the preparation and conduct of elections to the Chamber of Representatives are provided by district and precinct election commissions.

1. Formation of district election commissions

District election commissions are an important actor of the election process in elections to the Chamber of Representatives. DECs have the authority to organize the election, manage the activity of PECs, register initiative groups of citizens for collection of signatures in support of candidates' nomination and control election campaigning, register candidates and their proxies, administer the lists of voters having the right to vote, consider appeals and complaints against decisions and actions by the district election commissions.

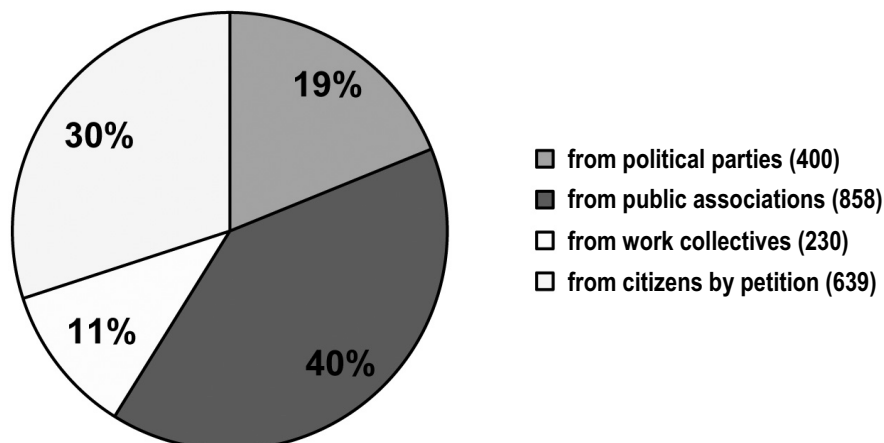
DECs for election to the Chamber of Representatives are formed by presidiums of the regional and Minsk city Councils of Deputies and regional and Minsk city executive committees, out of representatives of political parties, other non-governmental associations, work collectives, as well as representatives of citizens, nominated to the commission by citizens' application. District commissions were composed of 9-13 members. The nomination procedure was regulated by Article 35 of the Electoral Code and Ruling No. 22 of the Central Election Commission of June 19, 2012. The right to nominate one member to district election commissions is provided to: the governing body of a political party, other public association (in all district commissions); a meeting of the work collective of an organization, staff of an organizational unit located in the territory of the district, city (to district commissions, which are formed, respectively, in the territory of a district, city; and in the cities divided into districts — to district election commissions, which are established in the territory of a respective district of the city); voters in the number of at least 10 people residing in the respective electoral district and providing signatures to nominate their representatives (to district election commissions).

1.1. Nomination to DECs

According to the Calendar Plan of arrangements for the preparation and conduct of elections to the Chamber of Representatives of the fifth convocation, approved by Resolution No. 17 of the Central Commission for Elections and National Referendums of June 19, 2012, the nomination of representatives to the district election commissions and submission of relevant documents to agencies in charge of their formation should have been held no later than July 6, 2012.

2,127 people were nominated to the district election commissions. Among them, 639 (25%) persons were nominated by citizens' groups, 230 (9%) by work collectives, 858 (40%) by non-governmental organizations and associations, and 400 (19%) by political parties.

Number of candidates by type of nomination



The political parties in opposition were quite active in nominating representatives to district election commissions. Altogether the Belarusian opposition parties nominated 199 persons, i.e. 9.4% of the total number of individuals nominated to DEC's, or 49.8% of the total number nominated by political parties. The Belarusian Party of the Left "Fair World" nominated 88 persons, BPF — 57 persons, UCP — 34 persons, Belarusian Social Democratic Party (Hramada) — 6 persons, Belarusian Party "The Greens" — 5 persons, the Party "Belarusian Social Democratic Hramada" — 9 persons. For comparison, during the elections to the Chamber of Representatives in 2008 opposition parties nominated 118 representatives, accounting for 31.9% of the total number nominated by political parties.

Just as during the previous election, pro-governmental public associations (Federation of Trade Unions of Belarus — 279 persons (13.1%), Belarusian Public Association of Veterans — 98 persons (4.6%), BRSM — 108 persons (5.1%), and "Belaya Rus" — 117 persons (5.5%)) were active in nominating their representatives to DEC's. These four public associations made up 28.3% of all nominations and 70% of those nominated by public associations.

Some opposition political parties and movements, who supported the idea of boycotting the elections, did not nominate their representatives to the district commissions. These included the Conservative Christian Party–BPF, the unregistered Belarusian Christian Democracy party, the Movement "For Freedom." Little was the participation of activists of the civil campaign "Tell the Truth" (8 persons). Meanwhile, neither "For Freedom" nor "Tell the Truth" had announced their support to a boycott of the elections.

The average contest for a seat in the district commission was 1.5 per post. In Minsk and Homel region — 2 people per seat. In total, 110 district election commissions were formed, including: 20 commissions in Minsk, 17 commissions in Minsk and Homel regions, 16 commissions in Brest region, 14 commissions in Vitsebsk region, 13 commissions in Mahiliou and Hrodna regions.

1.2. Meetings on the formation of district election commissions

According to the Calendar Plan, meetings of presidiums of regional councils of deputies and Minsk City Council of Deputies, and regional executive committees and Minsk city executive committee were held before June 9, 2012, as scheduled.

Meetings of bodies forming the commissions in the vast majority were purely formal. Decisions on the composition of DEC's were taken according to scheduled candidates' lists without discussion of nominations and were actually limited to a non-alternative approval of the commission composition, pre-designed by government officials. Information on the occupation of persons nominated for commission membership was not announced at the meetings, while those attending requested such information.

At the meeting of the presidium of the Brest Regional Council of deputies and the regional executive committee, the contenders for the DEC's did not have a chance to introduce themselves. Their candidacies were not discussed. Only general selection criteria were announced during the meeting (work experience, responsibility, size of a political party or a public association, etc.). Draft resolutions had been prepared in advance.

The duration of meetings in most regions was minimal. In Minsk region and in Minsk the candidacies of representatives to election commissions were not discussed, the vote was also conducted according to a pre-designed list. It took only 20 minutes to take decisions on the staff of the 17 district commissions in Minsk region at the meeting of the Presidium of the Minsk Regional Council of Deputies and Minsk regional executive committee.

In Homel region, the meeting of the presidium of the Regional Council of Deputies and the regional executive committee lasted for 13 minutes. According to Dzmitry Razhkov, head of the organization and personnel department, a working group had been established to arrange the formation of commissions and introduce the procedure of decision: to vote on each of the DEC or for the whole list. As a result, they voted for the entire list, and the meeting ended.

The composition of the DEC of Hrodna region was approved in just 10 minutes.

Nominations were not discussed at the meeting. Only general figures were presented — 243 people were nominated to the 13 DEC's formed in the territory of the region. Of these, the commissions included 169 people, that is, 13 people in each DEC. Representatives of democratic parties and unions, who nominated their members to the DEC's, were not able to find out the results of the meeting. The meeting voted for a pre-designed list of candidates, while the officials refused to announce the names on the list. All questions of the observers and party representatives were answered as follows, "Read *Hrodna Prawda*."

The meeting of the Presidium of the Mahiliou Regional Council and the regional executive committee took over an hour, and the participants had the opportunity to ask questions to the officials, but no vote on the personal composition was conducted, and the commission members were approved according to a list of representatives.

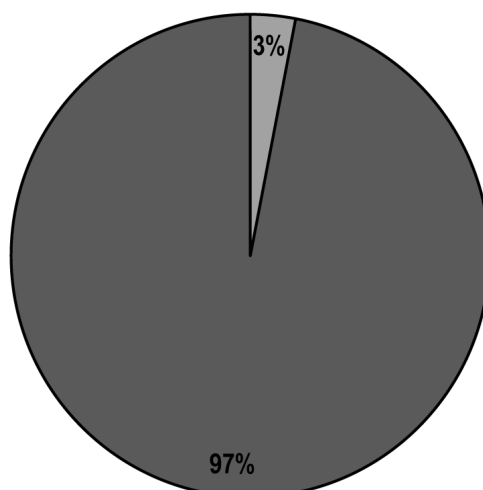
In contrast to other regional meetings, the joint meeting of the Presidium of the Vitsebsk Regional Council and the regional executive committee announced the names of nominees to the district commissions, instead of approving the pre-drafted lists. 14 district commissions were formed, with 13 members in each of them. 243 candidates for 162 vacancies were nominated, 61 were refused. According to Pavel Levinau, who was nominated by a group of citizens to Chkalauska district commission No. 18, none of the Presidium explained on what basis the final list was formed, and why these very 61 persons were denied inclusion in the list, even though the voting was not conducted for a list, but individually for each candidate.

1.3. Composition of district election commissions

According to the Central Commission, 110 DEC's were created, with the maximum number of members (11). 1,430 people became DEC members. 48 of them were representatives of the opposition parties (3.3% of the total number of members of commissions and 24% of those nominated by the opposition parties). For comparison, during the parliamentary elections in 2008, the number of representatives of opposition parties nominated to the DEC's was 118 persons. 38 people were included in the commissions (2.2% of the total number of members of the DEC's, and 32% of those nominated by the opposition parties). Thus, in 2012, the opposition parties nominated more representatives to the DEC's than in 2008, but the proportion of successful nominations decreased. During the elections to the Chamber of Representatives in 2004, the number of persons nominated to the DEC's by the opposition parties was 318 people, of whom 20 eventually became members of the commissions (7% of the number of nominated and 2% of the total membership of the DEC's).

Number of representatives of political parties on the DEC's (110 electoral districts)

■ Representatives of opposition political parties (48) ■ Others (1,382)



The main organizations represented in the DEC's were the Federation of Trade Unions of Belarus, the Belarusian National Union of Youth (BRSM), public association "Belaya Rus," and the Belarusian Public Association of Veterans. "Belaya Rus" alone succeeded in nominating 106 representatives to the DEC's (7.4% of the total number of DEC members). Consequently, despite the fact that the number of political party representatives in DEC's somewhat increased in comparison to the parliamentary election in 2008, the number of rejections remained at a very high level. We should point out that in 2008 the political parties in opposition limited their representation in election commissions by design, proposing one representative per commission from all the oppositional parties. This time, there was no such agreement, i.e. sometimes the opposition parties nominated their representatives to the same commissions. Simultaneously, the "passing" rate of pro-governmental representatives was significantly higher this year. For example, the "passing" rate of "Belaya Rus" representatives was 90.5%. This is evidence of bias toward the contenders nominated by the opposition parties.

Despite the changes made to the provisions of the EC regulating the formation of election commissions, the law failed to ensure transparency and proportionality of the process of their formation. The absence of legally binding objective criteria when deciding on the inclusion of citizens in the district election commissions reserved the absolute right to determine their composition and arbitrarily decide to include or to reject individuals to the bodies in charge of their formation.

Observers point out the biased and subjective nature of the decisions. For instance, representatives of the political parties in opposition were turned down in conjunction with their age, while members of veterans' organizations were included in the DEC's. Among other grounds for refusal were absence of previous work experience on election commissions, official unemployment of a contender, and the reputation of a contender in the region, etc.

In particular, none of the 9 nominees by BPF was included in the 13 district commissions of Mahiliou region. Representatives of the bodies in charge of forming the commissions explained this by the retirement age of some candidates, absence of experience in election administration, and in deciding on the chairman of the Party's Mahiliou regional office organization Dzmitry Salauyou it was personally stated that he was "not engaged in civil activities."

None of the six nominated representatives of the democratic community became member of the electoral district election commissions of Biaroza district, which was for the first time divided into two districts (Ivatsevitskaya No. 11 and Pruzhanskaya No. 9). Two representatives of the United Civil Party — Aliaksandr Kasevich and Andrei Mikhniuk — were nominated to the commissions, as well as BPF member Dzmitry Tratsiak and three people by collecting signatures — Siarhei Rusetski, Tamara Shchapiotkina and Anatol Sakharusha. Aliaksandr Kaliada, head of the chief organization and personnel department of Brest regional executive committee, suggested that these people would not contribute to the work of the commissions. According to him, the commissions needed work, rather than sorting things out.

Some positive changes in the electoral law, in particular, limiting the participation of civil servants in the activities of district election commissions, were negated by the absence of a mechanism to monitor their implementation. In most regions, the lists of members of district commissions were published without any information on their jobs and positions (specifying only the type of nomination), which deprived all concerned persons of the opportunity to receive exact figures, as well as information on the extent the requirements of this part of the EC were satisfied, and the level of independence of the commissions from the executive power. However, the general trend can be seen in those districts where data were available.

One of the trends identified was a kind of "disguising" the representatives of bodies in charge of forming the commissions and civil servants as the nominees from political parties, public associations and citizens nominated by collecting signatures. This trend is clearly shown by the data from Homel region:

Natallia Kavaliova, deputy chair of the city's Chyhunachny district, was nominated to the DEC of the Homel-based *Yubileinaya district No. 31* as a member of a trade union. Her colleague,

head of the social security department of the administration of Chyhunachny district Aliaksandra Kalenchyts became member of the district commission "as being nominated by the citizens through submission of an application." Another "people's representative" in the same DEC was chair of the trade union of education and science of Chyhunachny district Tatsiana Stryzhak, who previously headed the education department of Chyhunachny district of Homel. The official trade union nominated another civil servant — deputy manager of the company "Tsukarhandal" Alena Babok.

The Homel-based *Selmasheuskaya district No. 32*. Head of the organization and personnel department of the administration of Chyhunachny district Liudmila Miashkova was nominated to the commission from the trade union. Liudmila Raskazava, deputy chair of the administration of Chyhunachny district, was nominated to the district commission by citizens. Head of the department of culture of Chyhunachny district administration Maryia Famianok became member of the district commission "from the trade union." Deputy Director of the State Industrial Technical Lyceum Natallia Kharytonava was nominated to the district commission as a representative of "Belaya Rus."

The Homel-based *Tsentralnaya district No. 33*. Natallia Ananich, head of the organization and personnel department of the administration of Tsentralny district of Homel was nominated "by the citizens." Director of a secondary school Ala Nikifarava was nominated to the commission "by the citizens." Her colleague, high school director Viktor Petukhou was nominated from the trade union. Chief accountant of the social security department of the administration of Savetski district of Homel Natallia Sachylovich was nominated "by the citizens."

The Homel-based *Savetskaya district No. 34*. Deputy chair of Savetski district Alena Herashchanka became member of the commission as a representative of "the citizens." Director of secondary school No. 33 Ina Tsimashenka was nominated by the association "Belaya Rus." Chief officer of the education department of the administration of Savetski district of Homel Natallia Shaparava was nominated to the commission "by the citizens."

The Homel-based *Pramyslovaya district No. 35*. Head of the organization and personnel department of the administration of Homel's Savetski district Ala Andrushchanka was nominated to the commission "by the citizens." The same district commission included a representative of the public association "Red Cross" and head of the organization and personnel department of Navabelitski district administration Alena Khamets. Andrei Bandarenka was nominated as a representative of the citizens, occupying the post of a senior legal adviser at the administration of Homel's Savetski district.

The Homel-based *Navabelitskaya district No. 36*. Manager of the administration of Navabelitski district of Homel Aliaksei Vasiuchenka was nominated to the commission "by the citizens," together with deputy director of secondary school No. 27 Aksana Herashchanka. "Belaya Rus" nominated to the district commission director of Social Services Center Liudmila Hrytskova. Manager of local distillery, and member of the City Council, Halina Kardasiova was nominated to the district commission by the staff of the plant's accounting department. Deputy head of the administration of Homel's Navabelitski district Uladzimir Pryvalau represented the trade union.

The Homel-based *Selskaya district No. 37*. Director of Social Services Center of Dobrush district Alena Aleinikava was nominated to the district commission by the citizens. Manager of the Homel district executive committee Anatol Kedo was included in the commission as a trade union representative. A "representative of the people" was head of the organization and personnel department of Homel district executive committee Katsiaryna Loskaya, while her subordinate, chief officer, Ala Tkach was nominated to the commission by the NGO "Belaya Rus."

Further on, the staff of the executive committees and managers of state enterprises and institutions occupied key positions in most DEC's. Deputy chair of the administration of Savetski district of Homel Alena Herashchanka headed the district commission of Savetskaya district No. 34; chief accountant of the social security department of the administration of Savetski district of Homel Natallia Sachylovich was elected secretary of the commission. Head of the organization and personnel department of the administration of Homel's Savetski district Ala Andrushchanka was

elected chair of the district commission of Pramyslovaya district No. 35, director of secondary school No. 33 Ina Tsimashenka became its deputy chair, and chief officer of the education department of the administration of Savetski district of Homel Natallia Shaparava — the secretary. The district election commission of Kalinkavitskaya district No. 41 was headed by Aleh Makushynski, deputy chairman of the district executive committee, deputy chairman — head of the capital construction department of Kalinkavichy district Dzmitry Haikevich, secretary — head of the organization and personnel department Alena Dziarhach. Head of the education department of Khoyniki district executive committee Liudmila Kulakouskaya headed the district commission of Khoynitskaya district No. 47. Chairman of the district commission of Rahachouskaya district No. 45 was deputy chairman of the executive committee Vasil Karalchuk, deputy chairman of the commission — member of the District Council, director of the branch of "Homelablhaz" Vasil Baranau, and secretary — head of the organization and personnel department Iryna Shatsila. Mikhail Pashynski, chief of administration of Mazyr district executive committee was elected chairman of the district commission of Mazyrskaya district No. 42 (nominated by the Belarusian trade union of government and other institutions), deputy chairman — Aliaksandr Shulha, general director of "Mazyrselbud" (Belarusian trade union of construction and building materials industry), and secretary — head of the organization and personnel department of the district executive committee Veranika Baikova (nominated by a group of citizens). Anatol Laptanovich, nominated by the public association "Belaya Rus," director of the state educational institution "Pruz hany interschool industrial complex of work training and professional orientation of students," was elected chairman of the district commission of Pruzhanskaya district No. 9, his deputy — Ivan Sacheuka, chairman of the district committee of the Belarusian Trade Union of Education and Science, nominated by the Communist Party of Belarus, secretary — Sviatlana Yafimava, chief officer of the organization and personnel department of Pruzhany district executive committee. The DEC of Ivatsevitskaya district No. 11 was chaired by Uladzimir Burdz, manager of Ivatsevichy branch of the housing utility enterprise "Raivodakanal," the commission's deputy chairman — Iryna Bachkalevich, employee of Ivatsevichy district executive committee, secretary — Alena Lakishyk, lawyer of Ivatsevichy district executive committee. Thus, the dependence of the formed district election commissions on the executive power is obvious.

Another clear trend recorded at the stage of the formation of DEC s was the "continuity" of the composition of commissions from the previous elections. Most members of the DEC s, regardless of the type of their nomination, earlier were members of district or local commissions during local and presidential elections. The district commissions formed in Hrodna region included 89% of the approved candidates with previous experience in election commissions, which was announced as early as at a meeting on the formation of the DEC s by chairman of the Regional Council Andrei Naumovich. A similar situation was typical of all the DEC s formed in the country.

For example, nine of the thirteen members in the district commission of Barysau town electoral district No. 62 earlier participated in the Barysau territorial commission during the presidential elections in 2010, including its chairman Vasil Barannik. The four "newcomers" were Volha Buftsiak of the legal department of Barysau district executive committee nominated by "Belaya Rus," second secretary of BRSM's Barysau district committee Nina Hlinskaya, chief officer of the department of culture of Barysau district executive committee Hana Zharykava (nominated by the "Belarusian Red Cross") and head of the land use service of Barysau district executive committee Pavel Tsyrlin (nominated by a petition of the citizens).

The district commission of Maladechna town electoral district No.72 also mainly consisted of loyal staff: 10 people from the 13 were government officials. At first glance, this commission was formed solely on democratic principles: besides managers, ideology officials and employees of a military enlistment office, there was a simple assistant of an educational institution, a pensioner and even a watchman. But in fact, the assistant Aksana Apiatsionak was head of BRSM's local office, the retired Nina Zhalniarovich — former ideology official of the state-owned farm "Krasnaye" and retired Lutsyia Arlovich — former chair of the local Council of Deputies and former head of the district commissions in several consecutive elections. A simple watchperson Liudmila Miastouskaya is former leading expert on the protection of state secrets of the former major plant "Spadarozhnik."

9 of the 13 members of the Homel-based Yubileinaya district No. 31 earlier worked on election commissions — during the previous parliamentary elections, and some of the "new recruits" participated in the election commissions in the presidential election. For example, assistant director for ideology of "Electraaparatura" Ltd. Sviatlana Staina was nominated to the precinct commission as a representative of the public association "Belaya Rus" during the presidential election and now — as a nominee from the citizens. In the previous parliamentary elections, Halina Kasaverskaya, member of Homel City Council, branch manager of BPS-Bank, worked in the district commission, not in Yubileinaya district, but in Sialmashauskaya district No. 32. Communist Viktor Zabarny worked in the DEC of Yubileinaya district in the previous parliamentary elections, and now he moved to Sialmashauskaya district. Siarhei Karneyeu, deputy director "Chyhunachnaye" enterprise, nominated "from the citizens," was also in the DEC of Yubileinaya district in the previous elections. Tatsiana Kazhamiakina, who in the previous parliamentary elections worked in the DEC of Yubileinaya district, now found a seat in the DEC of Sialmashauskaya district.

Eight of the thirteen members of the DEC of the Homel-based Tsentralnaya district No. 33 had practical experience in the election commissions. Anatol Karneyeu worked in the DEC of Savetskaya district No. 34 during the last parliamentary elections, now he moved to Tsentralnaya district. Iryna Kuzmitskaya worked in the district commission during the presidential election. School director Viktor Petukhou also served on the commission during the presidential election, as well as Valiantsina Palonskaya, chair of the district branch of the Red Cross. Veteran Aliaftsina Svirydava was member of the district commission of Savetskaya district in the previous elections to parliament, she now moved to the DEC of Tsentralnaya district. Chief accountant of the social security department of the administration of Savetski district of Homel Natallia Sachylovich had worked in the DEC of Pramyslovaya district No. 35, now she worked in the DEC of Tsentralnaya district. Tamara Charniak, director of a children's art center, also previously worked in the district commission, only in Savetskaya district, not Tsentralnaya district, as in these elections.

1.4. Transparency in the formation of the DEC

According to observers, the time and place of the sittings in most cases were not reported by state media and the Internet resources of regional and Minsk city executive committees. Representatives of the entities which had nominated their representatives to district election commissions learned about the place and time of the sitting by personal appeal to the representatives of the executive power.

In accordance with Par. 5, Art. 34 of the EC, the meetings of bodies in charge of forming the commissions may be attended by representatives of political parties and other public associations, work collectives and citizens who nominated their representatives to the commissions. Participation of observers is not provided. The bodies in charge of forming the commissions stressed the impossibility of the presence of observers at the meetings to form the DEC. In particular, the official website of Vitsebsk regional executive committee posted information saying that "a joint meeting may be attended by representatives of political parties" and other public entities, while "no delegation of observers is provided."

The authorities' position was motivated by the fact that representatives of public organizations, including those that monitored the election campaign, did not represent an entity that nominated representatives to the election commission. However, one type of activities provided by the charter of one of the organizations involved in the "Human Rights Defenders for Free Elections" campaign, the Belarusian Helsinki Committee, is the implementation of election observation. It should be noted that according to Art. 20 of the Law "On Public Associations," a public association is free to obtain information relating to its activities. The formation of election commissions, of course, directly concerns the administration of elections and is an important step in the campaign. The process of forming the commissions should be as transparent as possible, and the meetings of government bodies to form the commissions must occur in the presence of all stakeholders, including representatives of public organizations that monitor the elections.

It should be noted that, despite the absence of an explicit prohibition in the Code of the presence of more than one representative of the entity that has nominated a representative to

the commission, the election officials used the practice of limiting the number of representatives, namely allowing only one from each entity. It were the executive authorities who decided who could attend the meetings of the authority that formed the commissions. In this regard, Anatol Rodzik, member of the "Fair World" Party, was not admitted to a meeting of Vitsebsk Regional Council of Deputies and Vitsebsk regional executive committee, because another representative of the party had already been invited.

In separate instances, those present at the meetings could ask questions on some of the reasons for the adoption of a decision, but the decision-making process on specific candidates took place without public coverage and discussion. Attending representatives were not allowed studying the nomination papers submitted to the district election commissions (minutes of meetings, statements of citizens). For example, during a meeting on the formation of the district commissions in Hrodna region, a BCH representative Raman Yurhel wished to see the nomination documents, but his request was dismissed.

2. Formation of precinct election commissions

According to Articles 28 and 34 of the EC, the preparation and conduct of elections to the Chamber of Representatives are provided by the PECs. The PECs keep voters' lists updated, carry out early voting and voting at voters' location, organize voting on the Election Day, carry out the vote count, and register the voting results at a polling station.

The PECs are formed by district and city executive committees, and in the cities divided into districts — by local administrations. PECs are composed of representatives of political parties and other public associations, work collectives, as well as representatives of citizens nominated by a petition. Not less than one third of their members shall be comprised of representatives of political parties and public associations. The commissions must not include judges, prosecutors, heads of local executive and administrative bodies. Civil servants cannot constitute more than one-third of the commission's staff. Decisions by bodies that formed the commissions may be appealed to the court within three days from the day of their issuance by the entities who nominated their representatives to the commissions.

The electoral legislation limits the right of political parties and public associations to nominate representatives to a PEC as opposed to a DEC. Nomination to a PEC can only be done by the organizational structures of political parties and associations that have registered with the state, or are on record with the local authorities. Thus, national associations that do not have organizational structures are generally unable to participate in the electoral process as part of precinct commissions.

In the run up to the elections, some organizations (Minsk city and regional organizations of the Movement "For Freedom," Hrodna organization of the BPF Party) tried to register the local organizational structures, but were refused. As a result, they fell under the restriction of the Electoral Code and did not have the right to nominate their members to precinct commissions.

2.1. Nomination to the PECs

According to the Central Election Commission, 84,781 people were nominated to precinct election commissions, out of them: 32,908 (38.8%) were representatives nominated by citizens using signature collection, 15,375 (18.1%) by work collectives, and 36,498 (43%) by political parties and other public associations.

Pro-governmental associations led in nomination to PECs: the Federation of Trade Unions of Belarus (over 12%), "Belaya Rus" (6%), the Belarusian Republican Youth Union (5%), the Belarusian Women's Union — 4,037 (5%), etc. For instance, in Vitsebsk region, those entities, together with the Belarusian Public Association of Veterans, nominated 85% of applicants from public associations, or 32% of the total number of people nominated to PECs. The nomination activity of these organizations failed to show any serious change in comparison to the presidential election in 2010, but grew a lot in comparison with the parliamentary elections in 2008.

10 of the 15 registered political parties nominated their representatives to PECs in this campaign. The political parties and associations loyal to the authorities intensified their activity. For example, the Republican Party of Labor and Justice nominated 832 people, which is twice the number nominated in 2010.

In comparison to 2010, the opposition parties decreased their activity. During the 2010 presidential elections, the 1,073 nominees of the oppositional political parties made up 1.3% of the total number of nominees. In 2012, 664 representatives nominated by the five opposition parties constituted only about 0.8% of the total number of nominees.

According to the Central Election Commission, the Belarusian Left Party "Fair World" nominated 216 people, the Belarusian Social Democratic Party ("Hramada") - 30, UCP - 240, BPF - 158, and the Belarusian Party "The Greens" - 20. The share of opposition activists among all those nominated by political parties and public associations was 3.2% in 2010, and only 1.8% in 2012.

In general, in this election campaign, the proportion of representatives of political parties and public organizations nominated to PECs increased to 42%. During the presidential election of 2010 it amounted to 39.1%.⁴ Respectively, in 2012 the number of representatives nominated to PECs by citizens and work collectives declined.

There was a significant discrepancy between the figures of nominees to PECs announced by the opposition parties and the figures published by the Central Election Commission. For example, the United Civil Party (UCP) announced nomination to the precinct commissions of 296 of its members, while the CEC official documents showed a figure of 240⁵ UCP nominees. Similar discrepancies exist in the official and party nomination statistics of the Belarusian Left Party "Fair World" and the BPF Party.

Unregistered political entities — the Party of Belarusian Christian Democracy (BCD) and the "Tell the Truth" campaign — used signature collection procedures in order to nominate their representatives to PECs. BCD stated that it nominated 171 representatives.

2.2. Meetings on the formation of the precinct election commissions

The meetings of bodies in charge of forming the PECs may be attended by representatives of political parties and other public associations, work collectives, and citizens who have nominated their representatives to the commission. However, Article 13 of the EC does not provide for observers' powers at this stage of the campaign, which was used to limit the observation of making decisions on the formation of the PECs. One can say that the sittings of executive committees and local administrations to form the PECs were relatively open to observers.

Just as in case of DECs, the meetings were very formal, as one could see from their nature and duration. In the vast majority of regions the voting procedure boiled down to a quick and uncontested approval of commission lists, prepared in advance of a meeting in a non-transparent manner.

According to observers, Biaroza district executive committee needed only 6 minutes to approve 486 out of 515 nominees. Procedurally, it looked like this: the question of the head of organization and personnel department Vital Mshar, "Does everyone have the lists at hand?" was replied by a chorus of "Everyone." "Let's vote," none of those present raised any objections as to the candidates for the commission; there were no questions, not a single thought. It was announced that the selection of the applicants took into account age, experience and ability to work.

Pruzhany executive committee required 12 minutes to approve 558 out of 701 members.

At the meeting of Smaliavichy district executive committee, the head of the organization and personnel department only reported the number of the applications filed and the number of members of each PEC. As a result of the vote, precinct election commissions in Smaliavichy district consisted of 80% of the people engaged in the PEC during the 2010 presidential election.

⁴ Corpus of electoral statistics, «Election of President of the Republic of Belarus in 2010.» Access mode: <http://www.rec.gov.by/Elections-PRB>.

⁵ Information on nomination of representatives to the precinct election commission on elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation. Access mode: <http://www.rec.gov.by/Elections-PPNS5-Electoral>

The meeting of Salihorsk executive committee lasted for 15 minutes, at which the committee approved 691 out of 741 applications, failing to report on how candidates had been nominated to the PEC, which political parties and organizations nominated them, as well as the reasons why some candidates were included, while others were denied. Salihorsk BHC member Uladzimir Shyla said an hour after the meeting of Salihorsk executive committee an issue of the "Shakhtsior" state-owned newspaper was signed for printing to announce the members of the commission. This indicates that the decision on the composition of the PEC was prepared and submitted to the editorial board in advance, and the meeting was a mere formality.

The meetings of Leninski district administration of Hrodna lasted 25 minutes, Kastychnitski district — 20 minutes, and the administration of Hrodna region — only 5 minutes; the commissioners were approved by a list of candidates and without discussion.

49 precinct election commissions were formed in Slonim district, ranging from 9 to 19 members. Following the meeting to form the commissions, it remained unknown who became members of the precinct election commissions and whether there was at least one representative of the democratic forces in their composition, as the names of those included were not announced. It was merely said that within seven days the information would appear in the local press.

Slutsk district executive committee received 754 applications for the nomination to 72 precinct election commission located in the district. 750 people were included in the commissions. The meeting, which approved the members of the precinct election commissions, lasted 14 minutes. There was no discussion of the candidates; an employee of the department of organization and personnel of Slutsk district executive committee Sviatlana Chubok read out a prepared list of those who had been included in the PECs. Four people were not included in the precinct election commissions, as three of them had errors in their nomination papers. A resident of Slutsk nominated by the Belarusian Women's Union was deselected due to the limited number of members of the commission, but it was not explained why she was denied membership in the PEC.

The imitating nature of meetings to form the PECs in the district administrations of Homel was evidenced by the fact that the information about the formation of the precinct commissions indicating the number of persons included in their composition was published in the "Homelskiya Vedamasti" newspaper on August 7, while their meetings were held only on August 8.

Another oddity was recorded by observers when reading the results of the meetings on the formation of the PECs which leaked to the press: Marharyta Bialiyeva, nominated by a group of citizens, was in the list of members of PEC No. 27 of Babruisk rural district No. 80. There was a remark made in pencil near her name, indicating that some documents would be presented later.

Compared to other regions, the meetings on the formation of the PECs of Kastychnitski and Chyhunachny district administrations of Vitsebsk were rather long. In particular, the meeting of Kastychnitski district administration on August 8 lasted almost 10 hours, the meetings of the Chyhunachny district administration — more than 6 hours. Mikalai Selivashka, chairman of the regional office of the Left Party "Fair World" who attended the meeting, noted that the voters had a folder with papers they were given in advance to study the candidates. As a result, the voting was conducted under a specified scenario: the meeting voted for "the right people." Mikalai Selivashka asked why some voted against him, to which administration officials said that all the denials were "a personal opinion of everyone." Similarly, with folders in their hands, voted those present at the sitting in Pershamaiski district administration, and with the same result: the opposition parties' representatives were not included in the commissions.

2.3. Composition of the precinct election commissions

6,301 PECs were formed inside the country, and 43 were formed outside Belarus between 6 and 8 August, 2012. The commissions included 68,945 members. No meeting was held on the formation of the precinct commission at a polling station established in Stockholm, after as a result of the Belarusian-Swedish diplomatic conflict the staff of the Belarusian Embassy in Sweden was called away and the above-mentioned polling station was closed.

Representation of political parties and NGOs on the DECs

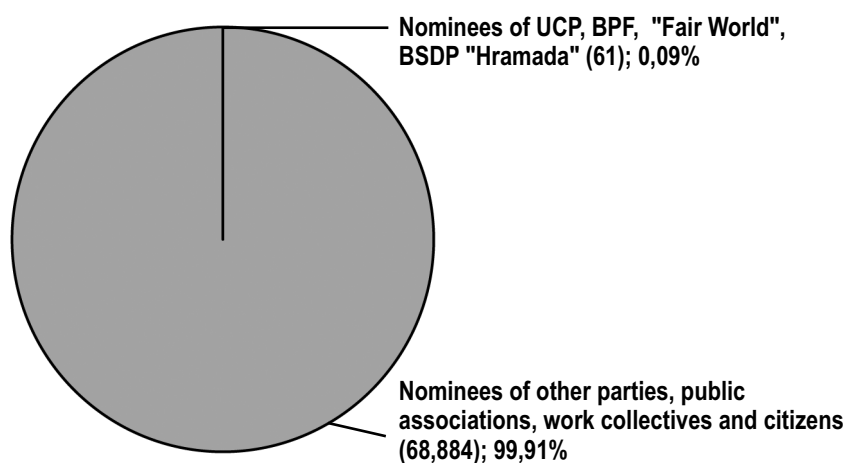
Name of party/NGO	Number of representatives
FTUB	9,418
Other NGOs	4,844
Belaya Rus	4,189
Belarusian Women's Union	3,791
BRSM	3,674
Veterans' Association	2,635
RPLJ	704
CPB	631
BSSP	551
Belarusian Agrarian Party	485
Fair World	39
BPF	12
BSDP (Hramada)	5
UCP	5

Representatives of public associations, including political parties, made up 45.3% of PECs, representatives of work collectives — 16.2%, representatives of citizens nominated by signature collection — 38.5%. A quota of at least one third of the representatives of public associations and political parties in the PECs introduced to the Electoral Code (Article 34) in 2010 was met by raising the share of representative of pro-government associations and political parties. This failed to create a greater pluralism in the PECs and still allowed the executive branch to exercise absolute control of the vote count. In comparison with the 2010 presidential election, the role of work collectives as actors in the electoral process decreased by almost 4%, while the role of NGOs increased by 3.5%.

On average, 1.2 people competed for a seat in the precinct commissions. This figure is quite different in Minsk — 1.6. There were registered instances of zero competition for the PEC seats at the meetings of Lahoisk, Ivatsevichy and Verkhniadzvinsk executive committees, and others.

The proportion of total representatives from the four opposition parties was about 0.1% (61 out of 68,945); they were represented in less than 1% of the commissions. This excluded the opponents of the government from the organization of the voting and counting of votes, and thus deprived them of any opportunities to influence the work of the PECs. In the presidential election of 2010, the share of the five opposition parties was 0.26% (183 out of 70,815).

Representation on the PECs



The comparison of the "inclusion ratio" of pro-government and opposition parties and NGOs gives reason to state a discriminatory approach in the formation of the PECs.

No.	Name of party/NGO	Nominated to the PECs	Included in the PECs	Inclusion ratio
<i>Pro-government parties and NGOs</i>				
1.	Belarusian Agrarian Party	571	485	85%
2.	The Communist Party of Belarus	845	635	75%
3.	Republican Party	262	235	90 %
4.	Republican Party of Labor and Justice	832	704	85 %
5	Belarusian Social and Sports Party	609	551	90 %
6.	Belaya Rus	4,799	4,189	87 %
7.	BRSM	4,345	3,674	85 %
8.	Belarusian Union of Women	4,037	3,791	94 %
9.	Belarusian Public Association of Veterans	3,138	2,635	84 %
10.	Federation of Trade Unions of Belarus	10,400	9,418	91 %
<i>Opposition parties</i>				
11.	Belarusian Party "Greens"	20	0	0 %
12.	Belarusian Party "Fair World"	216	39	18 %
13.	BSDP (Hramada)	30	5	17 %
14.	UCP	240	5	2 %
15.	Party of BPF	158	12	8 %

In Minsk, the city with the highest political activity, the opposition parties nominated 186 representatives. None of them were included in the PECs (the "passing" percentage was 0). Despite high nomination activity in the districts where leaders of opposition groups were running (Aliaksandr Milinkevich, Aliaksei Yanukevich, Uladzimir Navasiad, and others), none of the opposition activists were included in the PECs. Lack of criteria for inclusion or rejection of nominations allowed the executive branch to manipulate the process.

The vast majority of those who were included in the PECs used to be on election commissions at the previous local, parliamentary and presidential elections. In particular, the PECs of Smaliavichy district was comprised of 80% of the people involved in the presidential election in 2010. In Ivatsevichy district the commissions were 90% identical in composition with those formed during the latest presidential campaign in 2010. The precinct commissions of Leninski district of Hrodna included 85% of "trusted staff," in Kastychnitski district — 83.5%. In Slonim district, more than 90% of the members of the commissions had previous experience in election commissions. 86% of the members of the precinct election commissions in Slutsk previously worked on similar positions. The precinct election commissions established in the territory of Zhabinka district consisted of 220 (out of total 247) members with previous electoral experience people (89%). 9 of the 12 members of the commission of polling station No. 5 of Savetski district in Homel used to work in the presidential election of 2010; in the commission of polling station No. 4 of Savetski district — 9 out of 14; in the commission of polling station No. 7 of Savetski district — 10 out of 14, etc.

In Salihorsk, the list of approved members of election commissions was also virtually identical with that of the PECs in the presidential election of 2010. The analysis by BHC Salihorsk branch member Uladzimir Shyla states, for example, that commission No. 23 was allegedly comprised of completely new people, but the trick is that the commission No. 23 of 2010 is 90% of the commission No. 29 in the 2012 elections.

The analysis of the PECs' composition revealed the same trend that was reported during the formation of the DECs: to meet the requirement of the Electoral Code to limit the number of civil servants in the commission by one third, as well as to create a simulation of a "broad public representation," most civil servants were nominated to the PECs by public associations and by

collecting of signatures. This explains the unwillingness to report the occupation details of the members of the PECs: the regional press and the websites of city and district executive committees published information on the membership of precinct election commissions, which consisted primarily just of the name, surname, patronymic and the type of nomination. Information about the place of work was not made public, among other reasons, because just as during the previous elections, election commissions were formed and operated on the "place of work" basis.

This is completely supported by the data from the regions, where observers could in various ways obtain information on the occupation of the PEC members. For example, this information was obtained from part of the polling stations of Homel *Savetskaya district No. 34*.

PEC No. 2. The polling station was located in the building of secondary school No. 3. Of the 14 members of the committee at least 10 were employees of the school, either teachers or educators. However, they were nominated to the commission by the citizens, the trade union, or by the "Red Cross" and the Belarusian Peace Foundation. School headmaster Katsiaryna Savenka was passed to the commission as representative of the public — the Belarusian Women's Union, and deputy headmaster Liudmila Paliakova — as a representative of "Belaya Rus."

PEC No. 5 with 12 members was formed from the management and staff of Dairy Products Ltd.; at least eight people were known to be employed at the enterprise. It is quite possible that all the commission members were employees of the factory, but it was impossible to prove the suspicion. The commission included managing director of Dairy Products Uladzimir Kotsur, his deputies Liubou Areshchanka and Tatsiana Sarokina, chair of the official trade union's office Tatsiana Patsiaraila, head of the personnel department Tatsiana Adnaochka. However, they were nominated to the commission as representatives of the public — "Belaya Rus," the Peace Foundation, Women's Union, and as nominees from the citizens.

PEC No. 4 was almost completely (at least 10 out of 14) formed of employees of the housing utilities enterprise "Savetskaye" and its subdivisions. The commission included section masters, managing director of the housing utilities structures (repair and maintenance departments), chief engineers and other employees of the enterprise. In the commission the employees were marked as representatives of public organizations — the Red Cross, Peace Foundation, "Belaya Rus," as well as nominees from the citizens. Representatives of the housing utilities network compactly settled in a friendly team in the *commission of polling station No. 11*. Of the 14 members of the commission 11 were employees of the enterprise "Savetskaye." There was one representative of the public (Belarusian Peace Foundation) in the commission — Fiodar Khakhlou. In reality, it turned out that he worked as deputy director of the enterprise "Savetskaye," though it was not mentioned in the list of commissioners.

PEC No. 7. At least eight commissioners were employees of the Homel-based construction and assembly trust No. 27, including its managers and subordinates: deputy general director of the trust Mikalai Suhak, trade union leader Tatsiana Skibunova, head of the personnel department Anatol Drobau. The chiefs of the building trust were however presented as members of the Officers' Union and "Belaya Rus." Their actual positions were not announced.

A similar situation was reported in the polling stations of the Homel-based *Tsentralnaya district No. 33*.

PEC No. 32 was made up of 13 people, and only one member of the commission was nominated by the employees of school No. 59. The others, according to the list of commissioners, were all representatives of the civil society: the Belarusian Peace Foundation, the Belarusian Women's Union, the Red Cross, "Belaya Rus," or nominees from the citizens. A simple check-up showed that at least 11 members of the commission were teachers in secondary school No. 59. The school headmaster Aliaksandr Kalkou also came to the commission as a representative of the Belarusian Peace Foundation. At least seven more teachers of secondary school No. 59 were involved in precinct commission No. 33.

In *precinct commission No. 30* virtually all members of the commission on the list were representatives of public associations and the nominees from the citizens. In fact, at least 10 members of the commission were teachers of secondary school No. 16 headed by headmaster Iryna Sliaptsova, who took her seat in the commission as a member of the Belarusian Women's Union.

The commission of *PEC No. 17* included educators of high school No. 10, traditionally led by headmaster Iryna Biaspalaya. Of the 17 commission members at least 13 were employed at high school No. 10. However, their real jobs as teachers were not mentioned in the list of the commission members. Instead, they were all nominated as representatives of public associations (BRSM, Women's Union, "Belaya Rus," trade union) or nominees from the citizens.

At least 10 teachers and headmaster were in the commission of *polling station No. 13*, located in the building of secondary school No. 11 of Homel. Virtually all of the commission members were employees of the school, together with headmaster Natallia Litvinava. Traditionally, all the teachers in the commission were marked as representatives of public associations.

Pinsk town executive committee formed 87 precinct commissions in *Pinsk town electoral district No. 14* using the traditional employment principle, although technically it looked perfect. Employees of companies and institutions that housed the polling stations were nominated to the commissions as disguised — from such pro-government NGOs as "Belaya Rus," Belarusian Women's Union, Belarusian Red Cross, Belarusian Republican Youth Union (BRSM), Belarusian Peace Foundation, and the trade unions. Although, sometimes they did not have to use these tweaks. For example, the list of precinct commission No. 12, which was located in building of the Culture Center of the Holding Company "Pinskdreu" Ltd, said that 10 of its 13 members were employees of the company. But, according to local observers, the other three were also employed at "Pinskdreu," although disguised as nominees from local branches of the veteran's organization, BRSM and "Belaya Rus."

List of the commission members:

Precinct commission No. 12 — Culture Center of Holding Company "Pinskdreu" Ltd., tel. 35-67-75.		
1.	Batsian Uladzimir Aliakseyevich	- from Pinsk town office of the Belarusian Public Association of Veterans
2.	Dzikavitskaya Sviatlana Anatolieuna	- from employees of the director's personnel service of Holding Company "Pinskdreu" Ltd.
3.	Zemlianskova Yulia Alehauna	- from Pinsk town office of the public association "Belarusian Republican Youth Union"
4.	Kalenik Liliya Mikalayeuna	- from employees of nursery-kindergarten No. 45 "Lesavichok" of Holding Company "Pinskdreu" Ltd.
5.	Kazlova Volha Vasilyeuna	- from the primary organization of Pinsk town office of the public association "Belarusian Union of Women" of Holding Company "Pinskdreu" Ltd.
6.	Karatkevich Valiantsina Siarheyeuna	- from employees of assembly and finishing section of the branch of Holding Company "Pinskdreu" Ltd. - factory of sliced veneer and furniture
7.	Krupitski Siarhei Leanidavich	- from employees of technical development department of the chief engineer's service of Holding Company "Pinskdreu" Ltd.
8.	Palkhouski Iosif Ivanavich	- from primary trade union organization of Holding Company "Pinskdreu" Ltd.
9.	Paliakova Valiantsina Paulauna	- from employees of Culture Center of Holding Company "Pinskdreu" Ltd.
10.	Trushko Mikalai Mikalayevich	- from Pinsk town organization of the republican public association "Belaya Rus"
11.	Savina Sviatlana Valeryeuna	- from employees of the steam power and water supply and sanitation plant of private production and service enterprise "Pinskdreu-Tekhenerhaservis"
12.	Safonau Yauhen Aliaksandravich	- from employees of the economy department of Holding Company "Pinskdreu" Ltd.
13.	Yurashkevich Alena Fiodarauna	- from employees of private transport enterprise "Pinskdreu-Autapark"

Thus, the formation of the PECs differed little from the process of their formation during the previous parliamentary (2008), local and presidential (2010) elections. In terms of compliance with the national legislation, this process was not marked by major violations, but the result did not allow considering the commissions as impartial and unbiased.

2.4. Transparency in the formation of the PECs

The meetings of executive committees and local administrations were relatively open to observers. In most cases, the formation of the PECs was not transparent; in some cases, observers were unable to observe the decision-making process.

Some observers had problems with access to meetings of bodies forming the PEC. Information about the time of the meetings was often concealed. Some executive committees rejected the right of observers to attend the meetings, in violation of Par. 2, Article 39 of the Law "On Local Government and Self-Government." Such cases were recorded in Hlybokaye, Vileika, Lahoisk, Maladechna, Orsha, and Vitsebsk district executive committees.

There were instances of withholding information about the time of the meetings. In particular, the PECs of Leninski district of Mahiliou were formed in absolute secrecy from the observers. The meeting of Leninski district administration was held in the morning of August 6, but this was reported to the observer only after the event. On August 4, human rights defender Barys Bukhel, while applying for the nomination of his colleague Aliaksei Kolchyn to one of the election commissions, asked an employee of the organization and personnel department of Leninski district administration to inform of the date, place and time of the meeting on the formation of the commissions. At 8.30 a.m. on August 5, he phoned the administration and asked again about the meeting and again was told that they did not know, because a lot of documents had been submitted and they were being processed. The human rights defender was also reported that the head of the department and the chief manager of the district administration, who could answer the questions, were then at a planning meeting. At 9.30 a.m. on August 6, the human rights defender got through to chief manager Aliaksandr Paddubny, who said that the time of the meeting of the district administration was yet unknown, and offered to call back later the same day. When Barys Bukhel later phoned head of the organization and personnel department Maryna Khadanionak, she reported that the meeting had already taken place — at 10 a.m. One of the leaders of Mahiliou office of the Belarusian Left Party "Fair World" Anatol Zauyalau was in the same situation. He paid a visit to the administration of Leninski district on August 6 from 7.45 to 8.30 a.m., and said there was no notice of the date and place of the meeting there. His questions to deputy chair of DEC No. 85 Maryna Khadanionak and her subordinates were not answered. When at 3 p.m. the activist went to Maryna Khadanionak and asked why he had not been informed of the date and place of the meeting of the district administration in advance, the official simply refused to answer the question. It is worth adding that human rights defender Aliaksei Kolchyn was nominated to the precinct election commission only to be able to attend a meeting of the district administration to form the precinct election commissions. However, just like in the previous campaigns, he failed to do this.

In some districts, city executive committees and local administrations provided observers with the opportunity to review the PEC nomination materials. However, in many places the bodies that created the PECs did not let observers and concerned persons study those materials. Thus, the observers were unable to check the legitimacy of nominations to precinct commissions. For example, at a meeting of the executive committee of Salihorsk on August 8 a BHC observer Leanid Markhotka tried to receive documents on the nomination to the local commissions, but chairman of the executive committee Aliaksandr Rymasheuski refused to provide this information.

Thus, to a large extent the principles of openness and transparency of the election procedures were not ensured.

Registration of Initiative Groups

According to the Calendar Plan, submission of documents to the district commissions and registration of initiative groups for signature collection in support of candidate nomination lasted from 15 to 25 of July, 2012.

According to Article 65 of the EC, the collection of signatures, which is carried by an initiative group of at least 10 people, is one of the ways to nominate candidates. The person proposed for nomination as a candidate must be supported by at least 1,000 voters residing in the territory of the electoral district.

The right to sign in support of the nomination for the proposed person is provided to anyone who has the right to vote, i.e. a citizen of Belarus, who is at least 18 years old. The voter has the right to sign in support of several candidates, but only once in support of the same candidate. According to Article 4 of the EC, citizens who are deemed incapable by a court or kept in places of confinement in accordance with a court sentence, as well as persons subjected to a measure of restraint in the form of custody, shall not take part in elections.

Nominations by voters' petitions were used by both opposition and pro-government candidates as a unique form of early promotion of the candidate's personality.

According to the Central Election Commission, the district commissions received a total of 440 applications for registration, i.e. four initiative groups per each district. But the geographical distribution of activity was not uniform. The largest number of applications for registration of initiative groups was filed in Minsk: 142 applications in 20 electoral districts (an average 7.1 applications per district). In Mahiliou region 64 applications for registration of initiative groups were submitted in 13 electoral districts (4.9), in Vitsebsk region — 52 applications in 14 districts (3.7), in Brest region — 48 applications in 16 districts (3), in Hrodna region — 39 applications in 13 districts (2.9), in Minsk region — 48 applications in 17 districts (2.8), in Homel region — 47 applications in 17 districts (2.8).

A total of 352 initiative groups were registered intending to nominate 330 candidates (some candidates registered several initiative groups in different districts). A total of 12 people applied to more than one commission. For example, three districts of Minsk — Staravilenskaya No. 105, Yaseninskaya No. 100 and Kupalauska No. 95 registered the initiative groups of the UCP leader Anatol Liabedzka; Hrodna election officials registered four initiative groups of the UCP's Hrodna regional leader Vadzim Saranchukou.

During the previous election campaigns, observers did not record such tactics as registration of several initiative groups in support of one person.

Opposition parties registered a total of 58 initiative groups: Belarusian Left Party "Fair World" — 26, BPF Party — 18, UCP — 4, BSDP (Hramada) — 9, Belarusian Party "The Greens" — 1. Non-opposition political parties registered 7 initiative groups: the Communist Party of Belarus — 5, Belarusian Agrarian Party — 1, Republican Party of Labor and Justice — 1.

Thus, 66 persons nominated by collecting signatures (20%) were representatives of political parties. In the elections of 2008, election commissions registered the initiative groups of 115 members of parties, which allowed the CEC Chair Yarmoshyna say that "the activity of political parties decreased by almost two times."

85 groups were denied registration; percentage-wise, this is almost 4 times the number of denials than in the previous parliamentary elections. Despite this, there are no grounds to state that the practice of issuing denials to persons who intend to be nominated has become more severe. This time, only 15 potential candidates were rejected. Three more persons withdrew their applications after registration. As for the causes of failures, for example, in Ivatsevichy electoral district No. 11 UCP member Viktoriya Hryniuk was denied registration of her initiative group in the absence of the head of the initiative group, who had applied for registration, the power of attorney from the potential candidate. Two activists of the civil campaign "Tell the Truth" were denied registration of their initiative groups due to the fact that the applicants did not apply in person, but sent the applications

by mail (Ivan Amelchanka, who planned to run in the Minsk-based Kalinouskaya electoral district No. 108, and Piotr Lebedzeu, who had applied for running in Zhlobin district No. 40).

<i>Election year</i>	<i>Applications filed</i>	<i>Denied registration</i>	<i>Registered</i>	<i>% of denial</i>
2004	635	71	564	11%
2008	455	23	423	5%
2012	440	85	354	19%

One of the reasons why the large number of initiative groups was denied registration is the fact that groups supporting Mikalai Statkevich and Ales Mikhalevich tried to get registered in several districts (the registration of initiative groups of Statkevich was applied for in 56 district commissions, Mikhalevich — in 20 electoral districts).

The CEC chairperson explained why Mikalai Statkevich's and Ales Mikhalevich's initiative groups were denied registration. According to Lidziya Yarmoshyna, Statkevich did not pass any letters to the election commissions through the administration of the correctional institution where he was serving a criminal sentence, while Mikhalevich is on the international wanted list. Documents for registration of his initiative group had been submitted together with an overdue letter of authority. Experts of the "Human Rights Defenders for Free Elections" campaign believe that denials of registration to initiative groups for nomination of Ales Mikhalevich and Mikalai Statkevich were illegal⁶, referring to the fact that the nomination of the candidate and seeking registration as an actor in the election process (initiative group) is a form of realization of the right of citizens to participate in elections. Restriction of such rights must be based on law. The restriction of Statkevich's electoral rights is provided by Article 57 of the EC. However, the commissions unlawfully restricted the rights of citizens who wanted to nominate the well-known politicians, since the ban on registration of these initiative groups was motivated by arbitrary interpretation of Article 64 of the Constitution and Articles 4 and 65 of the EC. In fact, by their decisions the DEC's did not limit Mikalai Statkevich's and Ales Mikhalevich's right to participate in elections, but the rights of citizens who joined in the action teams for their nomination. The DEC's failed to take into account the fact that, for example, the grounds for refusal of registration to Mikalai Statkevich could fall until his registration as a candidate (for example, the legislation of the Republic of Belarus provides for exemption from punishment and removal from criminal records or acquittal under the procedures of judicial supervision). In the event that such grounds did not fall, the DEC's should have refused to register Mikalai Statkevich as a candidate.

⁶ Expert opinion about non-registration of initiative groups of M. Statkevich and A. Mikhalevich: <http://spring96.org/be/news/55169>

Signature Collection for Candidate Nomination

According to the Calendar Plan, signature collection for nomination of candidates lasted from July 25 to August 13. The process of signature collection is regulated by Article 65 of the Electoral Code.

The amended Electoral Code (the version of January 4, 2010) proposed more liberal procedures of signature collection and verification. In particular, the following provisions were enforced:

- If the signature sheets received by an appropriate commission include signatures of voters residing in different districts, or cities of regional subordination, or districts in the city, only the signatures collected in the corresponding territory are to be verified and counted (while in the previous edition of the Electoral Code signatures of voters who resided in different settlements were considered invalid.)
- A signature sheet should include signatures of voters who reside in the territory of one city of regional subordination, one district, in cities with district division — in the territory of one district (not in one settlement, as provided in the previous version of the Electoral Code);
- Signature sheets shall be certified by a member of the initiative group (not by heads of local executive bodies where signatures were collected, as in the previous edition of the Electoral Code);
- Obtaining permits for pickets to collect signatures is not required if the picketing is held in a location not prohibited by local authorities.

Signature sheets are submitted to the relevant DEC for verification of signatures and registration of the candidate.

According to the electoral law, involvement of the administration of the organization in the collection of signatures, as well as coercion in the process of collecting signatures and reward to voters for giving signatures, is not allowed. Applicants for the status of a candidate do not have the right to involve those under their control or in other service dependence in nomination activities during working hours. Failure to do so may be grounds for refusal to register a candidate.

Signature collection was carried out either by picketing or door-to-door activities. These two methods were used by initiative groups of both pro-governmental and opposition candidates.

The election commissions received a total of 223 signature packages. A number of potential candidates were nominated in several ways. Among them, 123 potential candidates were nominated only by signature collection, 88 both by signature collection and work collectives, and 8 by signature collection and political parties. 4 potential candidates used all three methods of nomination. In comparison with the previous parliamentary elections in 2008, observers recorded a decrease of contestants who took advantage of collecting signatures to nominate candidates.

<i>Type of nomination of candidates</i>	2008	2012
Signature collection	197	123
Signature collection and by work collectives	93	88
Signature collection and through political parties	24	8
Signature collection, through political parties and by work collectives	4	4

1. Definition of places banned for signature collecting

In accordance with the Calendar Plan, no later than July 10, 2012 local executive authorities should have defined the locations that were prohibited for the collection of signatures in support of the nomination of candidates by members of their initiative groups. According to observers, the relevant decisions were issued in due time.

In many regions the restrictions affected large areas of the busiest parts of major cities, especially in Minsk. In particular, according to the decision of Minsk city executive committee of July 5, 2012, collecting of signatures was prohibited in the main squares of the city (Kastychnitskaya Square, Victory Square, Independence Square, and Pryvokzalnaya Square), and no closer than 50 meters from the buildings of government, pre-school and school facilities, enterprises providing vital activities of the state (public transport, water supply objects, etc.). Signature collecting was allowed in the underground pedestrian crossings of the city's metro network.

Vitsebsk city executive committee banned to stage pickets in the most central and popular areas of the regional center: Victory Square, Lenin Square, Liberty Square, Square of the 1000th Anniversary of Vitsebsk, Peramozhtsau Park and Shmyrou Park, as well as closer than 150 meters from the administrative buildings of government, courts, prosecuting authorities and organizations providing vital activities of the population and the security of the state. It was also impossible to collect signatures in the health care facilities, in subway pedestrian crossings, at fairs, sporting and cultural events, including the major "Slavonic Bazaar in Vitsebsk."

It should be noted that when defining the list of prohibited territories, local authorities were not guided by the principle of uniformity; sometimes different order was used within the same district, which included different territorial units. For example, the territory of Luban district in this election was part of Salihorsk rural electoral district No. 69. A decision of the executive committee of Luban banned holding pickets to collect signatures less than 50 meters away from the buildings of local representative, executive and administrative bodies, courts, prosecutor's offices, the premises of organizations maintaining defense, state security and the vital activities of the population (public transport, water, heat and energy supply, hospitals, clinics, day care centers, educational institutions). Meanwhile, in Salihorsk district, part of which was also included in Salihorsk rural electoral district No. 69, pickets to collect signatures outside organizations providing vital activities of the population were not prohibited. Local member of the Belarusian Helsinki Committee Uladzimir Shyla, while trying to defend the equal treatment of applicants to collect signatures, filed a complaint against the decision of Luban executive committee to Minsk regional executive committee. The answer was signed by chief ideologist Ruslan Trukhan, who noted that "local executive and administrative bodies shall independently determine the places where it is prohibited to carry out pickets to collect signatures." According to Ruslan Trukhan, appropriate decisions were issued with due regard to the specific situation of a particular region; therefore, there were no reasons for amending the decision of Luban executive committee and unifying the conditions for collecting signatures within Salihorsk rural electoral district No. 69. It should be noted that during the presidential election in 2010 it was Minsk regional executive committee who became one of the few authorities to review the decisions of lower-level executive committees in favor of the expansion of approved locations.

When issuing decisions on the definition of places prohibited for collecting signatures, local executive committees used extremely vague wordings that enabled a broad interpretation and manipulation: "other places that provide the vital activities of the population," "other places where the pickets will impede the operation of companies, organizations and institutions," "organizations that provide the vital activities of the population" and others. For example, Lepel district executive committee banned the collection of signatures "in the locations preventing the flow of vehicles and human traffic." Among other prohibited places Homel city executive committee's decision No. 736 of July 6 contained the following wording, "as well as the places where the picketing will interfere with the activities of organizations or pose danger to the life and health of the picketers." Similar wording was contained in the decision of the district executive committee of Mazyr: pickets were prohibited in the areas where their operation would "impede the activities of organizations or endanger the life and health of the picketers," but specifically those places were not named, and it was unclear who and how should decide whether the picket impeded "the activities the organization" or not.

In some cases, having faced restrictions, the activists appealed the executive committee's decision on the definition of prohibited places to collect signatures. A representative of the BPF Vital Amialkovich urged the court to recognize the decision of the executive committee of Slutsk and Slutsk district of July 6, 2012 No. 2090 invalid and required that the executive branch adopted a new decision for the sake of securing the electoral rights of the residents of Slutsk and Slutsk district. A

similar complaint was filed in Brest, where the space for possible signature collecting was significantly decreased as compared to the previous elections. As a result of the statement submitted by the opposition representatives, some restrictions were lifted. However, the list of places prohibited for the collection of signatures still contained the pedestrianized Savetskaya Street. In the town of Slonim, Hrodna regional executive committee reversed its decision to prohibit the collection of signatures in a number of locations, issuing a new one a week later. To the question why the executive committee reversed its decision, which was published earlier in the local newspaper "Slonimski Vesnik," the chairman of Slonim district election commission No. 58 (and chief manager of the district executive committee) Alena Machalina said, "We changed our minds and canceled it!" A more liberal decision on the definition of places prohibited for picketing, as compared to the 2010 elections, was issued by Baranavichy city executive committee.

2. Conditions for signature collecting

When collecting signatures the initiative groups of opposition activists were met with unequal conditions as compared to the initiative groups of the loyal candidates. Observers registered cases when the administration of student and worker dormitories did not allow signature collection in the dorms referring to the fact that signature collection was not authorized by the management of the educational establishments or enterprises the dorms belonged to. In particular, the management of the hostels of the Mahiliou-based "Zenit" plant motivated this by an appropriate order of deputy director for ideology Mikalai Mikhalenia. On July 31, while collecting signatures in support of Leanid Padbiaretski, member of his initiative group Aliaksei Paulouski was detained and taken to the police station for clarification. At the same time, the head of the factory dormitory at 11 Kedravaya Street collected signatures for the pro-government candidate, acting MP Uladzimir Vasilenka. On August 7, Aliaksei Paulouski tried to get to the hostel at 11 Tsimirazeuskaya Street and again faced an impenetrable wall of employees.

The nomination of Prosecutor of Mahiliou region Eduard Siankevich was assisted in collecting signatures by the head and the educator of the hostel at 45 Kasmanautau Street in Mahiliou. When one of the dormitory residents, activist of the Belarusian Social Democratic Party (Hramada) Mikalai Zalozny (working as a plumber in the dorm) inquired if the hostel head and the educator were members of the Prosecutor's initiative group, he received no answer. However, a couple of days later Mikalai Zalozny was summoned to the office of the hostel head and told to sign for Eduard Siankevich. Mikalai Zalozny said that he had already signed, but those present in the office said that before the collecting signatures was not carried out by members of the initiative group, so they were not valid and it was necessary to sign again. This time, the women were carrying IDs of the initiative group members. Meanwhile, Mikalai Zalozny, who was a member of the initiative group of opposition candidate Leanid Padbiaretski, was banned to collect signatures in the hostel. "You work in the system of housing utilities of the Republic of Belarus, serving the hostel where minor children also live and your views, if they are contrary to the state regime, may have a negative effect on them," said head of the housing operational enterprise Pavel Shyshou. The signature collector was also warned by Pavel Shyshou that the hostels he was in charge of were operated in the access mode, and in order to guard the personal property and tranquility of citizens, no other people were admitted there, unless they have friends or relatives in the dormitory.

The Baranavichy pro-government nominee for Parliament Aliaksandr Stsiatsko was assisted in collecting signatures by janitors of hostel No. 6 at 73/2 Kirov Street, who abused their position in the workplace, even without asking for passports. The violation was appealed in the district election commission by another contender in Baranavichy Uskhodniaya electoral district No. 6 Ryhor Hryk. In her response, the DEC head Tamara Shukala reported that during the consideration of the statement the district commission members visited the hostel and talked to the head of the institution, janitor on duty, its residents, studied the entries in the register of visitors, but failed to identify any violations of law. However, para. 2 of the DEC's decision No. 6 of 8 August, 2012 admitted that there was a signature sheet for Aliaksandr Stsiatsko on the janitor's table in the hostel. In this regard, the DEC recommended that Aliaksandr Stsiatsko's initiative group should "prevent neglect of signature sheets."

In many cases, administrative resources were involved (collecting signatures in the offices of the state institutions during working hours, involvement of officials, who are not members of initiative groups, etc.). For example, in Slutsk the "Slutskmezhrainaz" and "Slutsk Meat» enterprises organized signature collection for the incumbent MP Inesa Kliashchuk. The staff put their signatures under the control of the administration in the personnel department in prepared signature sheets with the filled in passport data. We also registered instances when administrations of enterprises and institutions forbade their subordinates to support nomination of opposition candidates or demanded that subordinates left their initiative groups. The administration of Slutsk Sugar Refinery and Slutsk central hospital, while collecting signatures for Inesa Kliashchuk, verbally banned employees to put their signatures in support of alternative candidates. In Brest city polyclinic No. 6 patients were asked to put their signatures in support of the pro-government candidate Valiantsin Milasheuski. Another pro-government nominee — managing director of Brest central department store and head of the district office of "Belaya Rus" Viktor Valiushytski — was assisted by chair of Maskouski district tax inspection Liliya Siniak, who recommended her employees to leave their working places earlier to put their signatures for Viktor Valiushytski. In the military units of Brest, contract soldiers were forced to sign the nomination of the military commissioner of Brest regional military enlistment office Uladzimir Bazanau. In Navapolatsk, director of one of the city markets collected signatures in support of Vadzim Dzeviatousky, chairman of the local "Belaya Rus" branch, from the vendors who rented market stands. At the objects of the enterprise "Raivadakanal" of Ivatsevichy housing utilities, officials of the administration collected signatures in support of a candidate in Ivatsevichy electoral district No. 11 managing director of the company Leanid Kavalevich. The employees of Baranavichy Tool Works "Atlant" promoted the nomination of candidate Volha Palityka, who managed the plant's office of "Belaya Rus." The collection of signatures for her nomination was held in working hours and was accompanied by election campaigning. A few days later, Volha Palityka was promoted by the employees of Baranavichy Auto Aggregate Plant. The ideology officials of these companies organized the collection of signatures for her during working hours. The chief doctor of Homel regional cardiology clinic, member of the Regional Council, member of the Council of the Republic Hanna Lapatsina, who ran in the Homel-based Pramyslovaya district, was assisted in the collecting of signatures from the visitors to the clinic, which was motivated by the need to support medical workers, as health care is free in Belarus.

In the overwhelming majority of cases, signature collection pickets did not encounter any obstacles from the local authorities. There were single recorded cases of such actions. On July 27 in Slonim, Mrs. Skok, administrator of the market "Kosauski," seeing a picket at the entrance to the market to collect signatures for local surgeon, head of the BPF's Slonim office Ivan Sheha, expressed her dissatisfaction and demanded to stop the event. The signature collectors told the administrator that the site was not included in the executive committee's list of locations banned for holding pickets and advised to check the information. However, Mrs. Skok phoned Slonim district executive committee, and soon its officials arrived and asked the collectors to show their IDs of the initiative group members. Having checked the IDs, the officials left and the picket was continued without further interference.

On August 6, a picket to collect signatures in support of a potential candidate in the Homel-based Tsentralnaya district, activist of the civil campaign "Tell the Truth" Mikhail Biaznosenka, was held at the plaza outside the "Homel" department store. The signature collectors were approached by the department store employees and told to move away from the store, because, as they said, the area belonged to the department store and the administration of the commercial enterprise was against the picket. The signature collectors told the administration officials that the place was not prohibited for pickets. The staff representatives promised to call the police department, but when the signature collectors started calling reporters, the administration officials disappeared in the building.

At this stage of the election, observers registered cases when separate participants in the election campaign faced charges and received written warnings and were eventually held administratively liable.

On July 30, a potential candidate from Kupalauskaya electoral district No. 95 in Minsk, activist of the campaign "Tell the Truth," Mikhail Pashkevich was charged with the violation of the EC. Mikhail Pashkevich was accused of early campaigning, which was found in the text of the biography

of the candidate and his use of logos of the campaign "Tell the Truth." Later, the DEC told Mikhail Pashkevich that no violations of the EC were found in the actions of the initiative group.

Ivan Sheha, member of the BPF from the town of Slonim, received a written warning from the DEC. The work of his initiative group was labeled as containing formal violations. Lahoisk district election commission No. 75 twice reprimanded Valiantsina Kaliaka. The first warning was appealed to the CEC and eventually canceled.

Katsiaryna Sakalousskaya, who was nominated as a potential candidate for Parliament in the Matusevitskaya electoral district No. 103 in Minsk, received two warnings from the district commission. Both warnings were addressed to Mrs. Sakalousskaya for the collection of signatures by unauthorized persons. During the first incident, three men, who had no IDs of the initiative group members, were caught collecting signatures in a picket near the Kamennaya Horka metro station. Later, another person with no ID was seen collecting signatures in the same picket. Mrs. Sakalousskaya was twice summoned to the commission's emergency meetings, where she received official warnings, and both times she admitted her guilt. The commission's treatment of the non-party contender was peaceful, as the election officials encouraged her to study legislation.

Supporters of the boycott of the elections who had registered their initiative groups also held pickets to collect signatures, but not for the purpose of nominating candidates, but for the boycott and the release of political prisoners. On July 31, Maryna Khomich, activist of the organizing committee of the Belarusian Christian Democracy, staged a picket in Minsk. The information board she used informed of the political prisoners and had the slogans "No Elections!" and "Do not go to the polls — you will be deceived!" Police officers warned Maryna Khomich that her slogans were not part of election campaigning, and the picketing was subject to liability under the law "On Mass Events." Indeed, under the current legislation, the pickets in support of the boycott of the elections can be regarded as early campaigning. Initiative groups have the right to hold pickets to collect signatures only for the nomination of their nominee, and to inform the voters about it. Campaigning for a boycott of the elections is a type of pre-election campaigning starting from the date of registration of candidates. In order to hold pickets aimed at purposes not related to the collection of signatures for nomination of candidates, permission from Minsk city executive committee must be obtained in accordance with the Law "On Mass Events."

It should be noted that the authorities were quite tolerant towards such violations, as they were clearly interested in the presence of the candidates, even if the initiative groups campaigned for a boycott of the elections, but sometimes the facts were recorded and activists were brought to administrative responsibility for such actions.

On August 22, the court of Savetski district of Minsk heard an administrative case brought against activists of the BCD Halina Karzhaneuskaya and Inna Loika over their involvement in the pickets for the collection of signatures that were actually aimed at calling for a boycott of the elections. The court ruled to fine the activists three basic units each.

An applicant for a parliamentary mandate in Barysau town electoral district No. 62, deputy chairman of the UCP Leu Marholin and his proxy Mikhail Vasiliyev were fined 30 and 20 basic units, respectively, for the August 4 picket to collect signatures, which was identified as a violation of Art. 23.34 of the Administrative Code ("violation of the order of organizing and holding mass events"). The actual reason was the inscription on the stand of the initiative group "For Fair Elections without Lukashenka." Moreover, the voters were asked not to sign for the potential candidate, but for fair elections. The order of Barysau district court was appealed to Minsk regional court, but to no avail.

In some cases, the pickets to collect signatures were used to attract public attention to the existence of political prisoners in Belarus. In particular, on August 12 the activists of the civil campaign "Tell the Truth" and the Movement "For Freedom" held a joint picket in Minsk dedicated to the birthday of the imprisoned former presidential candidate Mikalai Statkevich. The picket was attended by relatives of political prisoners: Mikalai Statkevich's wife Maryna Adamovich, Dzmitry Dashkevich's bride Anastasia Palazhanka, prominent politicians and activists Aliaksandr Milinkevich, Aliaksandr Fiaduta, Andrei Dmzityyev, Pavel Vinahradau and others. The event was not followed by any incidents and consequences.

Candidate Registration

According to the Calendar Plan, district election commissions were to register candidates no earlier than 40 days and no later than 30 days before the beginning of the election — from August 14 to August 23, 2012, respectively.

1. Legal Aspects

The process of candidate registration is regulated by Article 68 of the EC, as well as the respective Regulations of the Central Election Commission.⁷

The list of documents established by Article 66 of the Electoral Code required for candidate registration to include a declaration about income and property of a person nominated as a candidate. If the discrepancy of the information provided in the declaration about income and property is significant, a DEC might refuse to register a candidate.

The changes introduced to the EC in 2010 simplified registration procedures. In addition, in order to simplify the procedures for the registration of candidates, the Central Commission issued its Ruling No. 35 of July 5, 2012, according to which the discrepancy of information is significant if the difference is more than 20% of the total amount of the yearly income. Also, absence of information about realty, personal motor transport, securities (shares), etc. in declaration papers is an "essential discrepancy" too. Absence of information about income received as travel vouchers subsidized by trade unions, welfare assistance, compensations, etc. is to be considered "non-significant."

During the presidential election in 2010, according to the relevant CEC explanation, the "significant discrepancy" meant declaring the amount of yearly income that was more than 10% lower than the actual yearly income.

Discrepancies in voters' signatures in signature sheets (more than 15% of the total amount of examined signatures) are one of the grounds to deny registration to a candidate. This is why the observation of the signature verification procedure and its compliance to the requirements of the Electoral Code is an important and essential part of civic control over the election process.

The procedure of signature verification by DEC is described in Article 67 of the Electoral Code. The main stipulation is that no less than 20% of signatures in the signature sheets, of the amount required for candidate's registration, are to be examined and verified. This means that no less than 200 signatures are to be examined. If there are more than 15% of unconfirmed signatures among the examined ones, then the commission is to examine an additional 15% of the signatures required for registration (150 signatures).

If the total amount of unconfirmed signatures makes up more than 15% of the total amount of signatures, examination is discontinued. Validation of signatures in the signature sheets is performed in the manner prescribed by Par. 14, 16 and 17, Art. 61 of the EC. Signatures are considered invalid in the following instances: fraudulent signatures (made on behalf of non-existent persons and presented as valid); signatures made in the name of different persons by one person or in the name of one person by another person; signatures of persons not eligible to vote; signatures by voters who indicated false data in the signature sheet; signatures collected before the established period for nomination of candidates; voters' signatures, if information about them is missing one or more pieces of data required by the Code; signatures, if the data on them were entered in the signature sheet in the manner other than in hand, or in pencil, and the signatures dated by a person other than the voter himself; all the signatures on the signature sheet, if the signatures were collected by a non-

⁷ Ruling No. 23 of June 19, 2012 "About clarification of application of the provisions of the Electoral Code of Belarus establishing the procedure of nomination of candidates through signature collection during the election to the Chamber of Representatives of the National Assembly of Belarus of the fifth convocation;" Ruling No. 35 of July 5, 2012 "About clarification of application of the provisions of the Electoral Code of Belarus describing the procedure of declaring income and property of persons nominated as candidates to the Chamber of Representatives of the National Assembly of Belarus of the fifth convocation."

member of the initiative group, or if the signature sheet is not certified by a member of the initiative group or certified by another member of the initiative group who has not collected these signatures; signatures collected in violation of Par. 8, Art. 61 of the EC.

CEC Ruling No. 23 of June 19, 2012 allowed persons other than a voter or a member of an initiative group to enter data about a voter in a signature sheet. In fact, this legitimized the administrative resources and ran counter to Art. 62 of the EC, which states that all signatures in a signature sheet are invalid if they are collected by a person who is not a member of the initiative group.

According to Art. 68 of the EC, the DEC's shall check the compliance of the order of nomination of the candidate and decides whether to register or refuse registration. The decision may be appealed by the person nominated as a potential candidate to the Central Commission and the Supreme Court of the Republic of Belarus.

2. Transparency of signature verification procedure

The majority of observers of the "Human Rights Defenders for Free Elections" campaign, who were registered at the DEC's, were not allowed to be present and observe the procedure of signature verification. Observers were allowed examining the nominees' papers in only four of the 110 districts. The commissions motivated their decision by the fact that Article 13 of the Electoral Code listing observers' rights does not directly mention the right to observe the signature verification procedure.

The DEC's examined the signatures outside their meetings (although the Electoral Code does not provide for this type of activities), using the meetings only for announcing the examination results. For instance, observers Raman Yurhel and Sviatlana Rudkouskaya (Hrodna), Vasil Lipski (Mahiliou), Leanid Markhotka (Salihorsk) made written requests asking to be present during the procedure of signature verification. The DEC's responded that observers did not have such a right under the law. Moreover, an observer in the Minsk-based Hrushauskaya district No. 98 Natallia Mankouskaya was told that the presence of an observer during the validation of signatures was interference in the work of the commission.

Some commissions did not dispute the right of observers to attend their meetings. In particular, in its response to observer in the Minsk-based Paudniova-Zakhodniaya district No. 99 Vasil Sankovich, the commission said, "In accordance with Par. 4, Article 13 of the Electoral Code, you are entitled to the right to attend the meeting of the commission as an observer, which will determine the procedure for verification of documents submitted for registration of candidates for the Chamber of Representatives of Belarus; the meeting of the commission, which will consider materials of verification of signatures in the signature sheets, and the meeting of the commission, which will consider the registration of candidates. Announcement of the meeting time will be posted in advance in the premises of the district commission." However, Sankovich was not allowed observing the verification of signatures.

Observer in Zhodzina electoral district No. 64 Aliaksei Lapitski received a written denial to his request to be present during signature verification, saying, "When checking the authenticity of signatures on the signature sheets or other information specified in respect of the voters, the members of the commission are entitled to seek to clarify the issue directly with the voter at his residence by phoning, and also to have access to the relevant authorities (departments of citizenship and migration of the city police departments, housing departments). The commission members are working on individual plans for the day, and in the evening, when voters come home after work."

It should be noted that the Central Commission fully supported the DEC's' action of refusing the observers' attendance of the procedure for verification of signatures. Observers' appeals to the CEC were replied with identical answers. In particular, Mahiliou human rights defender Aliaksei Kolchyn, registered as an observer with district election commission No. 85, wanted to observe the procedure of signature verification by the commission, submitting an application. However, in its response, the commission totally ignored the request. After that Aliaksei Kolchyn appealed to the CEC. In

her letter, Lidziya Yarmoshyna noted that the monitoring of procedures for verification of voters' signatures "cannot be provided, since it is not based on the law."

BHC observer in the district commission of Salihorsk town electoral district No. 68 Leanid Markhotka appealed to the CEC demanding to force the local election officials to provide him with free access to the documents on the nomination of candidates to the Chamber of Representatives. The district election commission earlier refused to provide the opportunity to the observer. The response that came from the Central Election Commission said, "The rules of the election law do not require that the chairman and members of the (district) commission should provide observers with the documents submitted to the (district) commission."

At the same time, some, although few, district election commissions did create the necessary conditions for observation at the time of candidates' registration. For instance, an observer at Dnepr-Buh electoral district No. 10 had access to all protocols and signature sheets. Observer at Vileika district No. 74 also had an opportunity to be present during signature verification procedures.

Non-transparency of the procedures of checking the documents submitted in support of candidates' nomination made it impossible to assess the compliance of the procedures with the Electoral Code, whether they were impartial and free from a politically-motivated approach by district election commissions.

3. Results of registration of candidates

According to the CEC, a total of 494 persons were nominated all over the country (363 of them were registered as candidates, which is 90 people more than back in 2008). 122 of potential candidates, or 24.6%, were denied registration as candidates for Parliament. Another 9 candidates registered by DEC refused to further participate in the election. In 4 districts the elections were non-competitive (two districts in Minsk region, one — in Hrodna region, and one — in Brest region). In 2008, there were 16 uncontested electoral districts.

Representatives of political parties nominated 204 candidates, which is 41% of all nominated candidates (as compared to 50 candidates in 2008). The CEC Chair L. Yarmoshyna explained an increase in the activity as follows, "All the innovations of 2010 have contributed positively. The procedure for nomination by political parties was simplified, as well as the procedure for collecting signatures; there are fewer requirements for submitting the declaration."

A total of 8 parties participated in the parliamentary election campaign; as many took part in the previous parliamentary elections. 23% of nominees from political parties were denied registration, of which 19.5% were nominees from the opposition parties.

The results of registration of party candidates are:

<i>Political Party</i>	<i>Nominated</i>	<i>Registered</i>	<i>Denied registration (%)</i>
BPF Party	33	30	3 (9%)
United Civil Party	48	35	13 (27%)
Belarusian Left Party "Fair World"	32	26	5 (15%)
Belarusian Social Democratic Party (Hramada)	15	11	4 (26%)
Communist Party of Belarus	23	21	2 (8.6%)
Belarusian Social and Sports Party	1	1	
Liberal Democratic Party	93	70	23 (24%)
Republican Party of Labor and Justice	19	9	10 (52.6%)

Most persons who were denied registration were nominated by signature collection (56%). The district election commissions claimed that the main reason was invalid signatures (more than 15%

of those examined) and mistakes in income declarations. The "Tell the Truth" campaign nominated 25 of its activists by signature collection, and only 13 (48% of the nominated) were registered. In Minsk, "Tell the Truth" was represented by only one candidate. Other prominent politicians, such as the leader of the Movement "For Freedom" Aliaksandr Milinkevich, youth activist Artur Finkevich, member of the United Civil Party, former Minister of Defense, General Pavel Kazlouski, were also denied registration.

The smallest number of denials traditionally was encountered by those nominated by work collectives: out of the 19 persons who used it as the only type of nomination, only 3 people (15%) did not continue running for a mandate. Those nominated by two entities at the same time (by voters through signature collection and by work collectives) succeeded in 100% of the cases (89 registered of 89 nominated). We should point out this is usually the nomination type used by candidates who enjoy the support of the government. Bearing in mind that the executive power controls the enterprises, we understand that opposition candidates did not have an opportunity to be nominated by work collectives.

21 incumbent MPs were registered as candidates for Parliament. This time, 60 persons who were parliament members at different periods were nominated as candidates. All 60 of them were registered.

The CEC Chair L. Yarmoshyna noted that the criteria for the selection of candidates in the 2012 elections were more stringent than those in the presidential election of 2010, "the fact is that the presidential candidates are registered by the CEC, while candidate for Parliament — by the local district commissions. The CEC employees are more experienced people, who treat everything solely under the letter of the law. In the regions, people are less trained, so they use more control and errors are more likely."

Observers reported cases of pressure and intimidation of election participants by the KGB. In Rahachou, Dzianis Dashkevich and his wife were summoned to the local KGB office on August 23, after his failure to get registered as a candidate. Some members of Dashkevich's initiative group also received invitations for a conversation with local KGB officers. Iosif Matseyun, candidate of the Belarusian Left Party "Fair World," dropped out of the race immediately after his registration in Vileika electoral district No. 74. He said he withdrew his candidacy because of the KGB pressure. This district became one of the four non-competitive districts. The only candidate in this district was Viktor Rusak, head of the KGB's Main Department for Economic Security.

Election Campaigning

According to the Calendar Plan, the campaigning period lasted for one month — from August 22, the day of candidate registration, to September 22, 2012. Candidates registered as a result of appealing the denials of registration had less time for campaigning in comparison to other candidates.

The last 5 days of the campaign (18-22 September) coincided with the days of early voting, which is a clear disadvantage of the current electoral law.

1. Legal regulation

The legal basis of the campaign was an updated version of the EC, with its changes and additions to have extended the campaign activities as compared to the parliamentary elections of 2008.

Conditions, procedures and forms of campaigning are regulated by Articles 45, 45.1, 46, and 47, chapter 10 of the Electoral Code and the respective Rulings of the Central Election Commission.⁸

According to Art. 45 of the Electoral Code, the citizens of the Republic of Belarus, the political parties and other public associations, labor collectives, proxies of candidates, initiative groups, conducting campaigning for the election of candidates, have the right to free and full discussion of the election programs of the candidates, their political, business and personal skills, and to campaign for or against a candidate through gatherings, meetings, in the media, as well as by meetings with voters.

Foreign citizens and stateless persons are not eligible to participate in the campaign.

Campaigning (including calls for a boycott of the election) on the day of voting is not allowed.

Article 47 of the EC contains provisions relating to the inadmissibility of abuse of the right to conduct the campaign. For example, it says that election campaign materials, speeches at rallies, meetings, in the press, on television, radio should not contain propaganda of war, calls for a violent change of the constitutional order, violation of the territorial integrity of Belarus, insults and slander in relation to government officials of the Republic of Belarus, and the candidates. Campaigning for or propaganda of social, racial, national, religious or linguistic supremacy, production and distribution of reports and materials inciting social, racial, national or religious hatred is prohibited.

The candidates, their proxies, organizations and persons campaigning for the election of candidates, and citizens have no right to offer money, gifts and other tangible assets, to carry a preferential sale of goods, to provide any services and goods free of charge, except for campaign materials, which are specially made for the election campaign in compliance with the law. During the election campaign it is prohibited to influence on citizens with promises of money, material goods.

In case of violation of the requirements of Article 47 of the EC, steps should be taken to curb the abuse of the right of campaigning, and the corresponding commission may cancel the decision on the registration of the candidate.

The observation revealed that the new rules of the EC failed to be fully implemented.

2. Forcing calls for election boycott outside election campaigning

On July 5, 2012 the CEC created the "Supervisory Council for control over compliance with the rules and regulations of election campaigning in mass media" (the SC). Members of the Supervisory

⁸ Ruling No. 33 of July 5, 2012 "Establishing the Ruling about the procedure of using mass media in during preparation and conduct of the election to the Chamber of Representatives of the National Assembly of Belarus of the fifth convocation"; Ruling No. 34 of July 5, 2012 "About Supervisory Council for control over compliance with the rules and regulations of election campaigning in mass media"; Ruling No. 122 of September 5, 2012 "About clarification of application of the provisions of the Electoral Code of Belarus envisaging debates of candidates to the Chamber of Representatives of the National Assembly of Belarus of the fifth convocation," etc.

Council were officials from the Ministry of Information, the President's Administration, and representatives of the state-owned mass media. Civil society was represented in the SC by members of the pro-governmental Belarusian Union of Journalists.

The functions of the SC included monitoring the adherence to the standards of the law and providing equal opportunities for candidates' pre-election speeches on television, radio and in the press. The Council also possessed jurisdiction to hear disputes relating to the use of mass media during the preparation and conduct of the elections, upon requests from candidates, and to make recommendations, conclusions, which should be considered by managing bodies of the media.

On August 27, 2012 the SC considered the appeal filed by Channel "Belarus 2", "Stalichnaye TV" company and "Mahiliou" TV company about the compliance of speeches of candidates Nina Kaliada, Artsiom Ahafonau, Viktor Malochka and Matsvei Khatary with the Electoral Code. The candidates, all members of the United Civil Party, called for a boycott of the elections. The SC decided that the speeches could not be considered election campaigning, because "the right to give free-of-charge speeches on state television and radio is provided to candidates for election campaigning only, as the law does not envisage the use of these opportunities for other purposes."⁹

The Central Commission agreed with the decision of the SC. On August 28, secretary of the CEC Mikalai Lazavik told the journalists, "The state would not be wise to organize the election, spend a great deal of money on it and provide the opponents with an opportunity to use airtime for campaigning against the state event."¹⁰ According to him, campaigning for the boycott is not prohibited by the legislation of Belarus, but it does not fit the concept of election campaign provided in para. 2, Article 155 of the EC — "activity with the aim to encourage or encouraging voters to participate in the elections, to vote for certain candidates or against them."

Following SC recommendations, the CEC passed Ruling No. 93¹¹, which excluded boycott calls from election campaigning. The Ruling is contrary to Art. 45 and 47 of the Electoral Code and, in fact, introduced censorship of candidates' campaign statements in mass media, and, in a number of cases, during public speeches.

As a result, television and radio companies began to massively refuse airtime to candidates who called for boycotting the election. On August 28, "Homel" TV-and-radio company did not show Vasily Paliakou's speech, UCP candidate in Homel-Savetskaya electoral district No. 34. On August 29, "Brest" TV-and-radio company failed to broadcast a speech by Anzhalika Kambalava, UCP candidate in Baranavichy-Zakhodniaya district No. 5. On the same day, radio "Stalitsa" did not broadcast the speech of UCP candidate in Barysau town district No. 62 Leu Marholin. TV channel "Belarus-2" failed to show the speeches of UCP candidates Adam Varanets (Homel rural electoral district No. 37) and Marat Afanasyeu (Buda-Kashaliova district No. 38).

According to UCP's reports, 33 of 68 possible appearances on radio and television of the party's candidates were not included in the broadcast. The recorded speech of the UCP candidate in Brest-Uskhodniaya district No. 3 was edited and broadcast despite the candidate's will. However, there were cases when they were shown on television. The channel "Belarus 2" aired calls not to participate in the elections by Leanid Autukhou (Vitsebsk rural electoral district No. 21), Ivan Sheha (Slonim electoral district No. 58), Aliaksandr Ramanovich (Pinsk town electoral district No. 14). Some candidates pointed out that during the recording the staff of TV and radio companies told them not to use the words "boycott," "picket," etc.

The candidates' programs were subjected to censorship for the same reason. In particular, the editorial board of the Mahiliou newspaper "Prydniaprouskaya Niva" refused to publish the program of the candidate of the United Civil Party in Mahiliou rural electoral district No. 88 Aliaksandr

9 "Speeches of four candidates do not comply with the Electoral Code of Belarus" — BELTA, 28.08.2012. Access: http://www.belta.by/ru/all_news/politics/Vystuplenija-chetyrex-kandidatov-v-deputaty-ne-sootvetstvujut-Izbitatelnomu-kodeksu-Belarusi---TsIK_i_606655.html.

10 "Majority of candidates do not intend to take part in debates" — BELTA, 28.08.2012. Access: http://www.belta.by/ru/all_news/politics/Bolshinstvo-kandidatov-v-deputaty-Belarusi-ne-namereny-uchastvovat-v-debatax---Lozovik_i_606703.html.

11 Ruling No. 93 of 29.08.2012 "On the right of candidates for the Chamber of Representatives of the National Assembly of the Republic of Belarus to conduct election campaigning in the media."

Shautsou. Significant cuts were used in an article by the UCP candidate in Pruzhany electoral district No. 9 Aliaksandr Kabanau published in the newspaper "Mayak." Owing to the calls for a boycott, Yury Khashchavatski's program, candidate of the UCP in the Minsk-based Kastrychnistkaya district No. 7, was not published in the newspapers "Zviazda" and "Respublika."

Boycott supporters regularly encountered obstacles from police and law-enforcement bodies, especially when attempting to distribute campaign materials. Minsk police detained Valery Buival, who was later fined 25 basic units under Article 23.4 of the Administrative Code. Vitsebsk BCD member Yauhen Hutsulau was sentenced to 7 days of jail for distribution of campaign materials. On September 5, police detained and later sentenced to 7 days of arrest activist of the campaign "Tell the truth!" Yahor Viniatski. On September 7, police detained activists of the youth wing of "Tell the truth!" "Zmena" Pavel Vinahradau and Aliaksandr Artsybashau (sentenced to 5 and 3 days of administrative arrest, respectively). On September 18, during a rally in favor of boycotting the elections in Minsk law enforcement agents detained about a dozen activists and journalists, including correspondents of the leading foreign media, accredited in Belarus. Boycott campaigners were also detained in Minsk, at Frunzenski electoral district No. 101, where "Tell the Truth," the Movement "For Freedom," and the BPF Party held intensive campaign activities.

There were cases when leaflets calling for boycott of the election were confiscated. On September 18, representatives of the law-enforcement agencies detained about 15,000 UCP leaflets near Lida in Hrodna region. On September 6, the office of "Tell the Truth" was searched, campaign materials were seized.

It should be noted that all the requests to hold events in order to campaign for the boycott of the elections, which were submitted to Minsk city executive committee by BCD activists and other opposition parties, were rejected.

Censorship and prohibition of free-of-charge presentations in the state media by the candidates who called for a boycott do not comply with the Belarusian legislation and the country's international obligations, violate the principle of equality of candidates and restrict both the rights of candidates to campaign and the rights of voters to receive full and objective information about candidates and their platforms¹².

Refusal to provide free-of-charge TV and radio airtime to candidates or to publish their platforms cannot be considered legitimate or justified. According to paragraph 7.7 of the OSCE Copenhagen Document (1990)¹³, the OSCE Member States ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents voters from learning about and discussing the candidates or from casting their vote free of fear of retribution.

Calls for a boycott of the elections, criticism of the electoral law and its application, together with any other forms of election campaigning, are not prohibited by the legislation, candidates are free to present their views and programs, and the voters should have the maximum opportunity to obtain information about the candidates, their views and platforms. Any restrictions on these rights, except as provided by law and necessary in a democratic society, should be seen as unacceptable restriction of free elections.

The will of the voters in the election is manifested not only through voting for one candidate or against all candidates. Abstention is also a civic position, to which the voter is eligible. He or she has the right to support or not support the position of the candidates, who are calling for a boycott of the elections. But for the free formation of opinions about the candidates and their views and programs, the voter must be able to obtain information about them. Therefore the candidates' calls not to participate in the elections and by doing this to exercise their right to participate in the electoral process should have equal opportunities of being communicated to the voters, along with other appeals.

12 About Implementation of Candidates' Right to Campaign on State TV, Radio and Mass Media. Access: <http://elections2012.spring96.org/en/news/56675>

13 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 29 June, 1990

Article 46 of the EC provides that candidates for the Chamber of Representatives shall enjoy equal rights in using the state media, while the state media are obliged to provide equal opportunities for candidates' pre-election speeches. Speeches of the candidates shall be provided on an equal basis.

An exhaustive list of grounds for limiting the appearances of candidates during the campaign is set in Art. 47 of the EC. Only in the case of violation of these requirements, the election commissions may take measures to cancel the registration of the candidate. It should also be noted that Par. 16 Article 45 of the EC prohibits calls to boycott the election, along with other forms of election campaigning, only on the day of voting. The election law does not contain any other restrictions on the expression of calls for a boycott of the elections. The CEC, as well as other organs of the election administration, does not possess the competence to expand the restrictions set by the EC.

Thus, censorship and prohibition of free appearances in the media of those candidates who are calling for a boycott of the elections are contrary to the law of Belarus and its international obligations, violating the principle of equality of candidates and restricting the rights of candidates to campaign and the voters' rights to full and objective information.

3. Campaigning in electronic mass media

The candidates were entitled to a five-minute speech on state radio and state television. Candidates had access to television in prime-time — from 7 to 8 p.m., while earlier appearances were broadcasted from 6 to 6.30 p.m. in the regions and from 5.30 to 6.30 in large cities and in Minsk. Their presentations were pre-recorded. Simultaneously, they were not allowed to use audio and video materials prepared beforehand.

There were numerous cases of censorship or bans of candidates' speeches in the state media, which were primarily related to the calls for a boycott of the elections (see "Forcing calls for election boycott outside election campaigning"), criticizing the current government or drawing attention to the country's existing acute problems.

In particular, the candidate from the Belarusian Leftist Party "Fair World" Viktor Bury failed to present his electoral program on Belarusian television and radio. Mr. Bury's speech was to be broadcast on TV channel "Belarus 2" in the evening of September 3, but the record was not aired. In his television appearance, the candidate wanted to tell Belarusians about the fraud in the 2008 parliamentary elections, which he learned during observing at a polling station in Kalodzishchy. The candidate was going to convey his fraud allegations during radio broadcasts, with giving specific names. Bury's speech on the radio "Stalitsa" was scheduled for September 12, however, according to the candidate, they "forgot to invite him for recording." "They told me that everyone had been notified, but I have no missed calls," he said.

Vitsebsk Social Democrat, candidate in Chkalauski electoral district No. 18, Aliaksei Haurutsikau was warned that his television appearances could be removed from the air, as he, according to managing director of Television and Radio Company "Vitsebsk" Anatol Kamovich, "showed a portrait of a criminal," which is "inadmissible under the current regime." According to Aliaksei Haurutsikau, after recording his TV address, a man ran into the studio who identified himself as the director of television and radio company, and told to have everything rerecorded, "I have several times showed a portrait of Mikalai Statkevich, when I said that I supported the creation of "Narodnaya Hramada" and that I demanded the release and complete rehabilitation of all political prisoners. Finally, I reiterated my idea that I demanded the release of political prisoners, including Statkevich, who is in prison for protesting against the rigged presidential elections. Director Anatol Kamovich, who appeared in the studio after the recording, said that it was unacceptable. However, I refused to talk of rerecording, and Mr. Kamovich said he would consult the CEC whether my speech should be let on the air." However, the threats were not implemented.

TV and radio debates for candidates were introduced to the EC in 2010. However, in practice this campaign method was inefficient. On September 5, a meeting of the CEC adopted a resolution clarifying the EC provisions regarding candidates' debates. Ruling No. 122 of the CEC outlawed the participation in TV and radio debates of the election agents who are candidates themselves. In support

of its decision, the CEC referred to the provisions of the EC that ensured equal legal conditions for the campaigning of all the candidates. According to Mrs. Yarmoshyna, "the candidates registered by the trustees of other candidates extend the opportunities of their own election campaign (...) When the electoral law was written, it was assumed that the candidate himself should participate in the debate. If he cannot perform this physically, it can be done by a trustee. No one could imagine then that it could turn into an opportunity to enhance the capacity of campaigning in favor of one candidate."

The reason for this decision was a debate aired on September 4 on the channel "Belarus 2," where Uladzimir Ramanouski spoke as a proxy of candidate and UCP leader Anatol Liabedzka. The Ruling of the CEC served as the legal basis for refusing to broadcast the recorded speech of the Chairman of the BPF party Aliaksei Yanukevich as a proxy of candidate Aliaksandr Kuzniatsou. This is contrary to Article 46 of the Electoral Code, which allows candidates' agents to debate instead of the candidate without any conditions or restrictions, being an unprecedented case of changing the rules of campaigning during the campaign. As a result, contrary to the motivation of the CEC, the Ruling resulted in the opposite effect: some of the trustees who were candidates themselves managed to speak in the debate on behalf of other candidates, while others were deprived of the opportunity. This violates the principle of equality of opportunities for election campaigning.

In some regions candidates, especially pro-government ones, refused to participate in the debates. In Baranavichy-Zakhodniaya district No. 57 Volha Palityka, a member of Baranavichy City Council running for the parliamentary mandate refused to take part in TV debates with the candidate of the BPF Party Mikalai Charnavus and UCP candidate Anzhela Kambalava. She said that after watching the TV speech of Mikalai Charnavus on August 28 she had no desire to argue with that candidate. The TV debates were planned to be broadcast on the channel "Belarus 2" on September 12. The same happened in Pinsk town electoral district No. 14 and in Pruzhany district No. 9. Chairman of the BPF's Pinsk office Aliaksandr Ramanovich sent several unsuccessful invitations to TV debates to his rival, incumbent member of the Chamber of Representatives Zinaida Mandrouskaya. He even made appeals through the media, but received no reply.

Rechytza candidates for the Chamber of Representatives failed to hold TV debates due to refusal of Adam Vashkou, managing director of local hardware plant. The candidate explained his reluctance to participate in the debate by the need to go to Homel television, and saying "what can be said at a five-minute debate." The only candidate who expressed his desire to participate in the debates was Anton Niafiodau, activist of the "Tell the Truth" campaign. The third candidate, member of the Liberal Democratic Party from Homel Ihar Kaubaska missed the meeting when the question of the televised debates was discussed.

The fact that there would be no TV debates of candidates in Pruzhany district No. 9 was reported on August 30 at a special meeting of the district commission. The statement of the candidate Aliaksandr Yurkevich, chairman of Pruzhany district executive committee, said that he refused to participate in the debates with the candidate of the United Civil Party Aliaksandr Kabanau, to which he had agreed at a meeting of the commission back on August 22 (later the agreement was confirmed in writing). Aliaksandr Yurkevich said the reason for his refusal to speak in the debates was information from the Internet saying that the candidates of the UCP would be removed from the election, and the fact that Kabanau refused to present his platform in radio broadcast. Although, according to Kabanau, he only asked the commission to postpone his radio broadcast.

Both candidates for Parliament in Zhodzina electoral district (nominee of the "BelAZ" plant Dzmitry Kharytonchyk and CPB representative Siarhei Vasileuski) ignored the opportunity to speak publicly in front of the viewers in the TV debates. At a meeting on August 30, chairman of the district election commission Siarhei Afanasenka reported that neither of the two candidates remaining in the election race after the removal of a representative from LDPB expressed desire to participate in the debates. However, he explained that very little time was allocated for the debate and "the most important things must be said within 5-7 minutes," while not everyone was capable of this, and preparing well for the address is very difficult.

In some districts, the candidates who announced their intention to participate in the debates were denied this right. That is, in Slonim district No. 58 BPF candidate Ivan Sheha and BLP "Fair

World" candidate Mikhail Karatkevich were denied their right to debate. The CEC turned down the complaint filed by Ivan Sheha. Thus, in Hrodna region we did not record a single case of radio or television election debates. Seven debates were not broadcast because the candidates advocated for a boycott of the election.

<i>Information about TV and radio presentations, and TV and radio debates of candidates*</i>											
	Region	Number of districts	Number of candidates	TV presentations		Radio presentations		TV debates		Radio debates	
				Applied for	Held	Applied for	Held	Applied for	Held	Applied for	Held
1.	Brest	16	51	51	38	51	36	10	7	-	-
2.	Vitsebsk	14	49	49	37	49	35	6	6	18	15
3.	Homel	17	53	53	41	53	46	2	1	-	-
4.	Hrodna	13	34	34	28	33	24	-	-	-	-
5.	Minsk	17	42	42	23	42	28	2	2	-	-
6.	Mahiliou	13	46	46	41	44	35	4	4	11	10
7.	Minsk city	20	89	78	72	89	72	15	10	12	12
Total		110	364	353	280	361	276	39	30	41	37

* According to the CEC. The number of candidates does not take into account withdrawal of candidates nominated by UCP and BPF.

Some experts regarded the format of the Belarusian TV debates only as additional time on the air, as the candidates were given five minutes during the debate, the very discussion was not live and was, in fact, answers to the questions of TV hosts and not disputes by the competing candidates. In addition, the TV debates were marred by hidden promotion, because the video presentation about the electoral district paid a lot of attention to the achievements of the current authorities on the improvement of the district.

Yet, some participants in the TV debate caused a great public response with their performances. This relates primarily to the UCP leader Anatol Liabedzka, who twice participated in the debates — as a trustee of candidate Uladzimir Ramanouski and as a candidate. After the release of the TV debates, in which A. Liabedzka acted as a trustee, the future of his own speech as a candidate was at risk due to the fact that the channel "Belarus 2" postponed the recording of debates of candidates "because of equipment failure." A. Liabedzka told about the true reasons for the delay, "Last week, I was in the recording of a debate with the current MP Sviatlana Shylava. In my statement, I was not calling for a boycott, but the fact that we have no choice, no Parliament — that's what I was saying, and our position was tough. I believe Shylava looked rather weak in the debate. Therefore, either the channel is quickly arranging learning courses for the pro-government candidates on performance in front of the camera, or thinking what to do with the debate, and how to get rid of this trouble." In an interview with the state TV's website, deputy chairman of the Belarusian Television and Radio Company Marat Markau explained the reasons otherwise, "This is the first time we are giving an opportunity for large-scale campaign events on television. Naturally, in the process of organizing there arise separate issues that require optimization. Again, it is done so that for the democratic right to campaign of every candidate for Parliament were certainly realized. Software was developed specifically for TV debates, and last week we recorded all we had planned, and we recorded it successfully. However, in preparation for the following records during routine maintenance, we identified several issues that needed to be set up to avoid any problems neither for the candidates nor for us. Therefore, we decided to conduct appropriate technical prevention works — no more. This is an ordinary issue that will surely be solved in a day or two." Indeed, the delayed debates were recorded and aired on "Belarus 2."

4. Campaigning in the press

According to Art. 46 of the EC, the state media, and the media, which are partially funded by the state budget or founded by public authorities, are obliged to provide equal opportunities for all candidates. The candidates had the right to publish free of charge in the respective media a program of up to two typewritten pages, presenting the text no later than 20 days before the election.

However, 11 candidates of the UCP failed to publish their election platforms in government-owned periodicals.

Just as in the electronic mass media, candidates' platforms prepared for publication in printed media were sometimes censored as well. "Nash Krai" newspaper asked BPF Party candidate in Baranavichy-Zakhodniaya district No. 5 Mikalai Charnavus to cut out criticism of the government from his platform. Newspaper "Mahiliouskiya Vedamasti" censored Lilia Sivakova's election platform, candidate of the Belarusian Left Party "Fair World" in Mahiliou-Kastrychnitskaya district No. 86. Biaroza district newspaper "Mayak" refused to publish the platform of Valiantsin Lazarenkau. Hrodna regional state-run newspapers refused to publish the program of BPF Party candidate Ales Straltsou (Hrodna rural district No. 52) in the languages of the national minorities (Polish and Lithuanian) living in the areas near the borders with Poland and Lithuania. The BPF Party considered that a violation of the candidate's right to campaign and violation of the voters' right to use their mother tongue. Straltsou's program was eventually printed in the Belarusian language in local state-owned newspaper "Perspektyva." Meanwhile, the election platform of another candidate running in Hrodna rural district, Major General Aliaksandr Miazhuyeu was published in the local newspaper "Hrodzenskay Prauda" and copies of the newspaper were distributed free of charge in many post offices in Hrodna.

Some state-run newspapers refused to publish platforms of opposition candidates referring to the fact that they had submitted the platforms of their political party instead of their own programs. Sometimes they denied the claims that the submitted texts were the candidate's election platform.

The newspaper "Respublika" sent to the candidate from the Belarusian Leftist Party "Fair World" Viktor Bury a letter of refusal to publish his election program due to the fact that the text, according to the editorial board, was not election campaigning, but a mere expression of his point of view on some issues, although the law does not specify the exact patterns of election campaigning. In his text, intended for publication in the newspaper, the candidate proposed to amend the electoral legislation provisions relating to the early voting. In addition, according to Viktor Bury's program, "every registered candidate at any level should be able to delegate to each precinct commission one representative as a full member."

The Babruisk-based newspaper "Babruiskaye Zhytstsiu" denied the opportunity to publish free of charge the program of the UCP candidate Matsvei Khatary. The newspaper's chief editor Aliaksandr Kozak said that "this is not a program, but election campaigning material," so the candidate should have paid for the publication. Matsvei Khatary was dissatisfied with such an approach, because the printing of the program could only be covered from his personal account of a candidate, which he decided not to do, as he had planned to withdraw from the elections. The candidate tried to appeal the decision of the editor of "Babruiskaye Zhytstsiu" to the CEC. The CEC did not satisfy the complaint.

The Mahiliou city newspaper "Vesnik Mahiliova" failed to print, together with the electoral program, the biography of the candidate for the Chamber of Representatives in Shklou electoral district No. 90, member of the Belarusian Leftist Party "Fair World" Zinaida Mileschanka. After Zinaida Mileschanka submitted a complaint to the newspaper, she was promised that the error would be fixed and the complete biography of the candidate would be published the following week along with her electoral program.

While presenting baseless claims to the programs of opposition candidates, the media were at the same time loyal to the content of programs of other candidates for Parliament. In particular, the issue

of "Minski Kurier" of September 4 published the program of the candidate from the Communist Party of Belarus Zhan Sodzel, who ran in Kalinouskaya electoral district No. 108 in Minsk. In his address to the voters, he called to maintain stability in the country and to oppose "pro-Western grantsuckers from the so-called opposition." Zhan Sodzel was one of the youngest candidates in the election campaign, lately working as a journalist on the ONT TV channel. He is famous for speaking negatively of the activities of the opposition parties. In his election program, he also did not avoid the subject, "We value stability, peace and concord in our common home. And we cannot and must not allow pseudo-patriots and liberals of various stripes to bring down the country into chaos and disorder... By voting for the candidate of the Communist Party of Belarus, you will support the stability and your own welfare. And you will oppose the pro-Western grantsuckers from the so-called opposition funded by the Euro-American distributors of democracy." These words are contrary to Article 47 of the Electoral Code, which states that the campaign materials "should not contain insults and slander against ... the candidates."

Information about publishing candidates' programs in state-owned newspapers*

	Region	Number of districts	Number of candidates	Number of candidates whose programs were published	Newspapers which published the programs		
					National	Regional (incl. Minsk city)	District (town) newspapers
1.	Brest	16	51	31		11	51
2.	Vitsebsk	14	49	26	2	1	31
3.	Homel	17	53	40		2	28
4.	Hrodna	13	34	32		5	29
5.	Minsk	17	42	28			49
6.	Mahiliou	13	46	32		7	54
7.	Minsk city	20	89	33	15	35	
	Total	110	364	222	17	61	242

* According to the Central Election Commission. The number of candidates does not take into account withdrawal of candidates nominated by UCP and BPF.

5. Media coverage of the elections

Belarusian media failed to pay serious attention to the issue of the parliamentary elections. This is the conclusion by the expert group of the Belarusian Association of Journalists, which monitored the media during the elections in Belarus. "The election campaign and its coverage have clearly visible features of a general political stagnation that is sometimes qualified as a political stability," said analyst Ales Antsipenka.

According to the monitoring results, the state media focused their attention on the organization and the technical aspects of the electoral process. The main source of information for state media remained the CEC and the DEC. For example, the news program "Panarama" (Belarus 1 Channel) spent 50% of the time on the CEC, the program "Radiofact" (1 Channel) — 35%, the weekly "7 Days" — almost 48% of the newspaper in comparison with other monitored media. However, one cannot say that the electoral subjects dominated the state-run media. For comparison, the topic "Sports" occupied 10.5% of time in "Radiofact" and "Weather" — 10.1% of the time of the program, and the topic of parliamentary elections — only 1.7% of the time.

The experts also analyzed the media addresses of the first candidates as compared to the elections in 2008. This year, the candidates had access to television in the prime-time — between 7 and 8 p.m. (earlier — between 6 and 6.30 p.m. in the regions and 5.30-6.30 p.m. — in big cities and in

Minsk). Among the negative trends is the delayed broadcasting of candidates' speeches, which allows censoring their addresses to voters. In addition, the presentations of candidates were announced in the TV program under the title "Elections-2012," not focusing on exactly who was expected to speak and which party the candidate represented.

This coverage of the electoral process is well explained by the assessment of the nature of the parliamentary campaign by the CEC Chair Lidziya Yarmoshyna. "Yet, it is not a presidential election, when the candidates represent the country as a whole, and, obviously, represent rather different points of view. As for the current elections, the debates will primarily deal with the problems of interest to the voters of a separate electoral district. Therefore, it is possible that they will be of sufficiently intimate character," she told to the TV channel "Belarus 1."

"I do not know whether Lidziya Yarmoshyna realized what she was saying. But the meaning of her words is that the parliamentary elections is not a big all-nation campaign, but a minor and local event dealt by the Central Election Commission," said Ales Antsipenka.

In general, the experts concluded that the media showed little interest in electoral matters, the only exception was the online resource www.naviny.by. It was also characteristic of the parliamentary election campaign in 2008.

Ales Antsipenka also gave a preliminary assessment of the TV debates aired by the government-owned channels, "The country has a huge problem — politicians are not able to freely communicate, to engage in a dialogue, to express a critical opinion. Since the Soviet era we have been dominated by the communication of monologues, which is characteristic of totalitarian and authoritarian societies."

6. Campaigning through distribution of printed materials

Candidates had the right to produce printed campaign materials (posters, flyers, signs, statements, photo materials) using public funds in the amount of 50 basic units, as well as through private campaign funds (up to 1,000 basic units) and their own money (up to 20 basic units). The candidates, who planned to drop out by the Election Day, mostly abstained from using the campaign funds from the state budget.

Candidates reported obstacles from printing firms in the manufacture of election campaigning materials.

State-owned and private printing houses ("Yanka Kupala Printing Plant", "Minsk Factory of Color Print", and "Chyrvonaya Zorka") refused to print the campaign materials funded by private campaign funds of the opposition candidates. Some of them referred to heavy workload, suggesting printing the materials only after September 25. The BPF Party said that 15 private printing houses had refused to print BPF Party materials. Apart from that, government-owned printing firms explained denials by other reasons. For example, a representative of the Yakub Kolas printing plant said that due to the technical characteristics of the equipment they could only print election flyers with at least 500 thousand copies of circulation. He also noted that the candidate's election fund was not enough to pay for such an order, and they could not print less. Many government printing houses referred to the fact that they were busy printing school diaries. According to a representative of the Minsk Factory of Color Print, all their capabilities at that time were focused on printing orders received earlier. As a result, only 4 of the 31 candidates from the BPF were able to use their private campaign funds and print flyers.

Some of the candidates were able to reach an agreement for digital printing, which is much more expensive than offset printing, and produced their election leaflets in a limited number of copies.

The state printing company "Tytul" in Rechytsa, Homel region, refused to print 10,000 copies of campaign materials for Anton Niafioudau, running in Rechytsa district No. 44. The municipal printing unitary enterprise "Tytul" is run by the executive committee. There, Anton Niafioudau was told that the company could not print 10,000 copies, because that amount of copies was going to "disable the

printer." Instead, the order was only for 5,000 copies. Simultaneously, from the start of the campaign, campaign materials of local pro-government candidate, managing director of Hardware Plant Adam Vashkou, were distributed in Rechytsa. Obviously, the printers were not "disabled" during printing his campaign materials. Candidate in Vitsebsk-Chkalauski district No. 18 Aliaksei Haurutsikau and candidate in Vitsebsk-Horki district No. 17 Alena Famina could not get their campaign materials in time from the state-owned printing house. Without campaign flyers they had difficulties organizing an effective campaign. As of September 11, only colored leaflets for outdoor applications in display cases, institutions, etc. were prepared. The black and white flyers that were expected to be distributed among voters during the meetings could not be obtained for more than five days from the initially specified date.

Printing houses refused to print campaign leaflets of candidates who called for a boycott of the elections. This was the situation with the candidate of the UCP from Mahiliou Uladzimir Shantsau. The candidate who was going to withdraw from the race, in order not to spend the funds allocated by the state, created his own fund. "I took a design of the flyer to the Spiridon Sobal Mahiliou regional printing house. First, employees of the printing firm accepted the layout, but when I was in the bank to transfer money to their account, they phoned me to reject the order, saying that they were not allowed to. I came to them and asked them to give me a written response, but they ignored this requirement," said Uladzimir Shantsau. After the government-owned printing house, the UCP's Mahiliou candidate applied to a private firm, "There, they accepted the layout, but said they would call back and notify when the flyers were printed. There, too, I was told that they had a lot of orders and printing my products might take some time."

There was a registered case of censorship in the manufacture of a general information poster of candidates. In particular, the photo in the poster of candidate Uladzimir Niapomniashchykh in the Homel-based Navabelitskaya electoral district No. 36 had been processed in a computer program in order to remove the inscription "For Belarus without Lukashenka" on his clothes: the words "without Lukashenka" disappeared under the inscription "Candidates," there was only the inscription "For Belarus."

Information about usage of public funds by candidates*

	Region	Number of districts	Number of candidates	Candidates who used public funds (completely/partially) for production of campaign materials
1.	Brest	16	51	33
2.	Vitsebsk	14	49	41
3.	Homel	17	55	45
4.	Hrodna	13	34	26
5.	Minsk	17	46	31
6.	Mahiliou	13	46	33
7.	Minsk city	20	89	64
	Total	110	370	273

* According to the Central Election Commission. The number of candidates does not take into account withdrawal of candidates nominated by UCP and BPF.

After the withdrawal of three BPF candidates, the DEC's demanded that they should return the state campaign funds used by in the election activities.

The right to establish private campaign funds was used by less than a third of the candidates. Altogether they opened 85 private campaign accounts. Opposition candidates reported bureaucratic obstacles from the election commissions, which slowed down the opening of their accounts. The last account was opened on September 18, when early voting was already under way. There were no registered instances of using campaign funds to pay for outdoor advertising or advertising on radio and television.

Information about usage of private campaign funds*

	Region	Number of districts	Number of candidates	Number of campaign funds (accounts) created by candidates	Number of campaign accounts which funds were actually used by candidates
1.	Brest	16	51	15	14
2.	Vitsebsk	14	49	12	10
3.	Homel	17	53	16	14
4.	Hrodna	13	34	7	5
5.	Minsk	17	42	4	4
6.	Mahiliou	13	46	14	5
7.	Minsk city	20	89	17	15
	Total	110	364	85	67

* According to the Central Election Commission. The number of candidates does not take into account withdrawal of candidates nominated by UCP and BPF.

According to the Electoral Code, the local executive and administrative authorities, in consultation with the relevant commissions identified locations for printed campaign materials. Decisions in different regions varied in the level of liberalism. In particular, in Mahiliou printed campaign materials of candidates could be placed on bulletin boards, information stands of industrial, commercial, housing and communal services, public services, building organizations, institutions, culture, education and medicine facilities, within the territory of housing departments, advertising pillars at bus stops and on the bulletin boards inside the polling stations. However, in Pinsk district, according to the relevant decision of the executive committee, bus stops were not included in the list of places authorized for placing campaigning materials.

In Babruisk's Pershamaiski district, the local authorities allowed the placement of campaign materials in locations far from being populous: information stands at the polling stations, information boards outside seven housing departments, billboards at the intersection of Batava Street and Budaunikou Street, terminal bus stop No. 18, the stop at the intersection of Ulianauskaya Street and Ordzhonikidze Street, the stop in Rakasouski Street (parking), the stop "Kisialevichy." Simultaneously, in Leninski district the list of places was limited to the stands outside six housing departments.

In Mazyr, 11 of 13 locations authorized by decision of Mazyr district executive committee were message boards and information stands, where campaign materials traditionally needed more space among the posters of the House of Culture, cinema, and theater. Campaign materials were undistinguished. Local activists repeatedly urged Mazyr authorities to make special stands dedicated to election campaigning, but it failed to bring any results. The same situation with places for placing campaign materials was reported in Svetlahorsk, where there were no stands for election posters, and regular announcement pillars and message boards were used instead. On September 7, scratched private ads were over-posted with the election campaign leaflets of district council chair Halina Filipovich with the promise "to make our lives better together." In Homel, the stands for placing campaign materials at public transport stops were decorated with posters advertising the circus, flipped to the other side, and through the white paper one could see the words "Circus" and "Encore," and the cheerful face of a clown.

Meanwhile, observers registered cases when officials counteracted placement of opposition candidates' campaign materials on information boards. Brest divisions of "Belposhta" (state post service) and "Belfarmatsiya" (state pharmacy network) refused to provide space for campaign posters of the Belarusian Social Democratic Party (Hramada) candidates at all post offices and pharmacies in the city of Brest.

The disappearance of campaign materials from polling stations in Khotsimsk district was reported by Valery Karankevich, candidate for the Chamber of Representatives in Krychau electoral district No. 83, "On September 19 we held an election picketing in the agrotowns of Biarozki and Zabialyshyna of Khotsimsk district. After that we visited five polling stations in Khotsimsk district, and my campaign materials were absent from all of them. The saddest thing is that on the eve of early voting all these campaign materials were brought and hung at the polling stations by my trustees."

Simultaneously, the campaign materials of pro-government candidates were placed in unauthorized locations, and officials responsible for implementing the decisions of local authorities did not respond to these violations. In Rechytsa, the materials of candidate, managing director of local hardware plant Adam Vashkou were to be found, for example, on the stands in the premises of the district polyclinic. The placing of campaign materials in prohibited areas was expected to be prevented by the local department of internal affairs (and its head Andrei Silkou), and monitoring the implementation of the decision — by head of the ideology department of the district executive committee Natallia Markava, but the violations were not followed by any response from them.

A similar situation was reported in Svetlahorsk, where the campaign materials of the district council chair Halina Filipovich were posted in places not authorized for the activity. On August 13, Svetlahorsk district executive committee adopted a decision on the list of places to house the campaigning materials of candidates. Under the decision, campaign materials might be placed on bulletin boards and pillars, in rooms for meetings of candidates with voters and at the entrances to commercial enterprises. However, this decision was ignored by Halina Filipovich. Her campaign leaflets were posted on Svetlahorsk's walls, doors and in other places.

In general, observers from all over the country reported that there were very few campaign materials distributed in districts, while they were hardly visible in the places determined for campaigning, and campaigning activities remained at the minimum level.

7. Meetings with voters and other mass events

According to Art. 45 of the EC, candidates are provided with the opportunity to hold meetings with their constituents at meetings or in other forms convenient for voters.

7.1. Definition of places for holding meetings with voters and outdoor mass events

In accordance with the Calendar Plan, by August 14, executive and administrative bodies in consultation with the relevant district election commissions were to identify premises for meetings of candidates and their agents with voters and election meetings organized by the voters. These facilities were provided free of charge in the order of receipt of written applications. In addition, the candidates had the right to rent buildings and rooms for meetings with voters at the expense of their own election funds.

In the same period, the authorities identified places for holding mass events (outdoor meetings, rallies and pickets) to carry out election campaigning. According to Art. 45.1 of the EC, holding mass events in the places determined by the decisions of the local authorities has a declarative nature. Public events held outside authorized locations should be organized and conducted in accordance with the Law "On Mass Events." In conjunction with that, we should point out that the authorization-based procedure of holding rallies, demonstrations and pickets established by the Law "On Mass Events" has been repeatedly criticized for restricting the freedom of assembly.

Venues for meetings with voters were selected by the executive committees within the period established by electoral laws and the CEC. However, in most regions the number of locations was critically low, while the premises proved to be unsuitable (distant, uncomfortable) and the locations small and unpopular. It was especially characteristic of regional centers and rural settlements.

The only place Smarhon district executive committee allocated for campaigning was the town park's amphitheater, where there are usually no pedestrians. The most comfortable and crowded areas in the central Lenin Street, where it makes sense to organize pickets or rallies, were banned this time. Most villages of Smarhon district were also deprived of the opportunity to see election campaigning. Holding public events was allowed in only nine localities, while the authorities left without attention several not quite small villages with convenient places outside cultural or educational institutions, the settlements that are centers for even smaller surrounding villages.

According to the decision of Bialynichy district executive committee, public events (meetings, outdoor rallies, picketing) could be held in the only place, a pitch in front of the stage in a lime grove.

Holding public events in this place did not make much sense, as people usually go there to concerts or on some holidays. Compared with the 2010 presidential election, the campaign conditions for pickets deteriorated sharply, since their conduct used to be authorized in a much larger number of locations — virtually across the entire village. The premises of the district Center of Culture and the rural cultural institutions were chosen for meetings of candidates with voters.

In Svetlahorsk, outdoor meetings, rallies and picketing were authorized in six locations. Of the more than 100 settlements of Svetlahorsk district, only 18 were allowed for conducting outdoor campaign activities. Candidates for the Chamber of Representatives and their agents were not allowed to hold pickets and meetings in 83 villages and towns, including two centers of village councils — in the villages of Davydauka and Krasnauka. In various village councils, the number of venues for campaigning differed greatly. In particular, in Mikalayeuski village council, campaign activities could be carried out in 4 villages, while in Astashkavitski village council — only in Astashkavichy itself.

In the territory of Pershamaiski district of Babruisk, meetings of candidates and their agents were allowed in an isolated auditorium of the Center for Hygiene and Epidemiology. This room was not the worst option, close to public transport, actually the center of the city, however facing the city cemetery. Meanwhile, unsuitable places were identified for holding mass events in the district: the sports base of FC "Belshyna" (located on the outskirts of the city's park) and the open area in front of the sports hall of the Olympic Reserve School (located in a former military unit). In the territory of Babruisk's Leninski district public events could be held in the open pitches adjacent to the football field of a youth sports school. This place is on the outskirts of the city, and can be reached by just a couple of city bus routes. As an accommodation for meetings with voters the authorities identified the assembly hall of local Children's and Youth Center, which is located in the yard and therefore is difficult to be found.

In different districts within the same settlement observers registered different approaches to defining sites for campaigning. In particular, Mahiliou authorities selected 18 open sites for campaigning, 12 of which were in Leninski district and exactly half of that in Kastychnitski district, i.e. only 6. In Vitsebsk, the best opportunities for election campaigning were provided in the largest district, Pershamaiski, with 8 places for street campaigning. Chyhunachny district looked disadvantaged — there were only two places for outdoor campaigning and only three rooms for indoor meetings. To be more precise, Vitsebsk's Chyhunachny district had only one place for campaigning — the central stage area of the Park of Culture and Recreation of Railway Employees, the other venue, a pitch near the Palace of Culture was located in the town of Ruba, which formally belongs to Vitsebsk, although is far from the city limits. The territory of Kastychnitski district offered six sites for campaigning, but the optimistic picture was marred by the fact that these were four campaigning pitches located in the yards of houses, as well as a countryside recreation park in Mazuryna and a plaza in front of the club of the JSC "Keramika" on the outskirts of the city.

In Minsk, the list of premises for meetings of candidates and their agents with voters included 164 rooms — mainly, assembly halls of schools and housing maintenance organizations. The largest number of meeting places was allocated in Autazavodskaya electoral district No. 92 — 11 rooms, while Uskhodniaya electoral district No. 107 had only five options. The list of venues for outdoor campaigning events in the capital mainly included plazas in front of shops and shopping centers — a total of 147 locations, with the largest number, 11, in Kalvaryiskaya electoral district No. 104, and in Kalinouskaya electoral district No. 108 — five venues.

In many regions, where the decision to determine locations for meetings with voters and outdoor events were much more restrictive, they were appealed by candidates or other subjects of the electoral process. In some cases, these appeals had positive results, but in the vast majority were dismissed.

One of the positive examples took place in Mahiliou, where the candidate in Pramy Slovaya electoral district No. 87 Aksana Zakreuskaya managed to make the authorities increase the number of places for campaigning. She filed an application to the administration of Kastychnitski district of the city, and local authorities ruled to meet her request. According to the initial decision of the district administration, Aksana Zakreuskaya could only campaign in the only place in the city — in the yard of the house at 14b Chaliuskintsau Street, which, according to the candidate for Parliament,

essentially affected the efficiency of election campaigning. After her appeal was granted, five more sites were included in the list of allowed locations, four of which were situated outside local shopping centers and shops, and one — near the market.

Ihar Maslouski, candidate in the Brest-based Tsentralnaya electoral district No. 2, failed to achieve broader opportunities for campaigning, despite appealing the decision by the city executive committee at Brest regional executive committee (a copy of it was also sent to the CEC). Ihar Maslouski said that, according to decision No. 1611 of Brest city executive committee of 9 August, 2012 "On the definition of places for public events," meetings with voters in his district were allowed in only in two places — in the stadium "Lakamatyu" and the pitch of the Football Olympic Training Center. The other places listed in this decision were located in the territory of other districts. In addition, the two sites were situated at a considerable distance from the places where voters lived and were poorly provided with public transport. At the same time, Ihar Maslouski said that earlier local authorities banned the pickets to collect signatures for nomination of candidates in all the major streets of Brest and changed their decision only after the intervention of the regional executive committee, upon a complaint submitted by representatives of the political parties. The response, which was signed by deputy chairman of the regional executive committee Leanid Tsupryk, alleged that the two sites in the district to meet with voters were enough, also enumerating all bus and trolleybus routes, and taxis that covered the surrounding streets, while being far away from the venues. In conclusion, the deputy chairman of the executive committee said that the decision by the city authorities did not violate the candidates' legitimate rights, and therefore it was useless abolishing or amending it. Ihar Maslouski decided to prove on his own experience that the places defined for meetings with voters by the city authorities could not be used for election campaigning. He, along with his supporters, organized a picket in both the locations and, standing in each of the places for about 20 minutes, failed to hand out a single election leaflet, because during that time no people passed by.

Just as unsuccessful were the attempts of the candidates from Hrodna to increase the number of places for election campaigning. Initially, chairman of the regional branch of the BPF Vadzim Saranchukou, running in the Hrodna-based Tsentralnaya electoral district No. 50, wrote to the chairman of Hrodna city executive committee urging the official to amend paragraph 3 of decision No. 429 by Hrodna city executive committee of August 9, 2012, adding to the list of places for public events in Leninski district the following locations: the plaza of the local bus station square in front of the stop, and the site at the beginning of Palihrafistau Street opposite the shop "Praleska." However, the response to this appeal was negative. After that, a number of candidates from different parties and movements — Vadzim Saranchukou (BPF), Dzmitry Bandarchuk (campaign "Tell the Truth"), Yury Istomin (UCP), Viktar Mikhalchyk and Pavel Staneusky (both "Fair World") — appealed to the CEC to affect local authorities for the sake of expanding the number of places suitable for campaigning in the city. The CEC's reply signed by Chair Lidziya Yarmoshyna "elegantly" referred to paragraphs 2, 3 and 4 of Par. 6, Article 24 of the Electoral Code, according to which "the identification of locations for public events in the city of Hrodna is the responsibility of Hrodna city executive committee, and the Central Commission cannot give an evaluation to the decision."

There was a documented case, when local authorities issued independent decisions on increasing the number of places for election campaigning and improving conditions for its implementation. In particular, the authorities of Slonim initially selected only three locations for public events, but later Slonim district executive committee amended its decision and added three more places where candidates could perform outdoor campaigning activities. Apart from that, while the previous decision of the district executive committee allowed holding public events of election campaigning nature only outside rural clubs (and they are not found in all the villages of the district), the amendments helped the candidates speak to voters even outside local shops, cafes, and in rural parks.

7.2. Conditions for holding election campaigning activities

Article 45.1 of the Electoral Code establishes the declarative procedure for holding campaign events. This provision of the Electoral Code was not always implemented in practice. Vitsebsk district executive committee failed to provide an opportunity for Leanid Autukhou's (BPF) proxy to carry out a picket in Buyany village (Vitsebsk district) under the declarative procedure (Par. 2, Article 45-1

of the Electoral Code). Chyhunachny district court of Vitsebsk failed to hear the complaint about the incident within the legal three-day period.

On September 11, Valery Karankevich, the Belarusian Popular Front Party candidate in Krychauskaya electoral district No. 83, staged his election campaigning picket in a permitted location in the town of Khotsimsk, Mahiliou region. However, the event was closed by police, and the candidate was detained and taken to the local police station for questioning. The same candidate was also faced with the prohibition of his campaign picket in Klimavichy in a location approved by the decision of the district executive committee. Valery Karankevich appealed the incident with Klimavichy District Prosecutor Aliaksandr Zemliakou, to complain of the actions by chief of the ideology department of Klimavichy district executive committee Maryia Prakopchyk. The head of the ideology department initially said that the candidate and his authorized representative Aliaksandr Balobin needed no written notices of picketing, they could only warn her, and then she banned the rally because she had not been warned in writing. On September 17, Valery Karankevich managed to hold an election picket in Krychau without any incidents, but its holding in the location permitted by the authorities — near the town stadium "Sozh" — was ineffective, since the place was hardly ever visited by people. During the whole day the picketers were approached by only twelve people. Meanwhile, the attention of law enforcement agencies was enhanced: the picket was constantly supervised by several police officers, and two unidentified men in civilian clothes in a car were videotaping everyone who came up to the candidate.

Babruisk local authorities closely watched the picket of the UCP candidate Matsvei Khatory held on September 14 at the stadium in Urytski Street. It should be noted that the place designated for the picketing was extremely poor, people never passed it by, because the stadium is in the outskirts of the city. The picketers decided to stand outside the fence of the stadium, so that at least someone could see them, but even within an hour they spent in the place they met only about 20 people. However, almost immediately after moving the picket in a more visible area, there appeared police officers, KGB agents, Deputy Mayor Aliaksandr Markachou and began chasing the campaigners over the fence. The police officer Siarhei Markevich showed the paper saying that the picketers should stay in a pitch adjacent to the football field. Perhaps, the authorities did not want Babruisk residents to see a banner with the famous quote by Aliaksandr Lukashenka, "Election? — Won't go there, you'll be cheated anyway." Separate residents of Babruisk, who came up to the picket, were later approached by the police; they first stopped one of the local members of the BSDP "Hramada," later — a BHC observer Siarhei Latsinski was stopped "for identification" by Lieutenant Niahatsin of the local criminal investigation department. The police officer checked the passport, residence permit, and asked if the activist lived at that address; the data were copied to a notebook.

The impracticality of places for campaign events in some cases led to oddities. In particular, on September 11, in the Vitsebsk-based Horkauskaya electoral district No. 17, independent candidate Alena Famina tried to find the campaign venue approved by the city authorities. The organizers and participants of the picket did not immediately spot the place: the decision of the executive committee said the site was located in the yard of house number 25, building 1 in Chkalov Street, and in fact it was near one of the neighboring houses. And, in reality, it did not appear to be a "campaign pitch" at all: this was a hill covered with grass, the slope of which should be the "platform" for the basketball pitch located at its bottom. There were no people there, because there were no tracks nearby. However, there were still several visitors to the picket — two policemen, who were hiding around the corner of the nearest shop, and a man in civilian clothes, who was shooting the event with a video camera and was accompanied by another concerned person — deputy chairman of Pershamaiski district administration. The administration official approached the picket, showed his ID and asked what they were doing there without permission. The candidate showed their application to the city authorities. The picketers were trying to take advantage of the occasion and said the place was very unfit for campaigning, and asked permission to move closer to the market "Paudniovy." However, the official said that once this place was defined, it should be carried out on that very location.

The election campaign across the country was accompanied with low interest on the part of voters and the underperformance of many candidates. For example, only two candidates in Mahiliou, who were supported by the civil campaign "Tell the Truth," Leanid Padbiaretski and Aksana Zakreuskaya, almost daily staged their campaign pickets in locations allowed by the authorities, while the campaign

activities of the other candidates were almost invisible. The attention of the authorities was mainly focused on those who were trying to revive the campaign. In particular, Leanid Padbiaretski was detained for holding a picket in an unauthorized place and taken to the police station for investigation. In the evening of that day, the administrative charges against the candidate were dropped and a few days after the incident he received an official warning from the district commission. Candidate Aksana Zakreuskaya was notified that if she did not stop using the city's coat of arms in her election campaign materials, she'd get a fine of 20 basic units. The reason for this requirement was a letter from the city executive committee, which was sent to the district commission. However, Aksana Zakreuskaya refused to change her election campaign products, because most of them had already been distributed. As a result, the threat of penalty remained a threat on paper. Several meetings with voters were held by candidates Tatsiana Kuzmiankova (rival of the pro-government candidate Eduard Siankevich) and Leanid Padbiaretski. The meeting with the first candidate was attended by some 10 people. The 4 meetings of Leanid Padbiaretski, that were held in the assembly halls of schools Nos. 15, 35 and 40, and the Palace of Culture of Railway Employees, were not attended by a single voter. Informing about the meetings with the candidates was to be secured exclusively by the district commissions.

The election campaign in Vitsebsk was not very active, either. Only two pro-democratic candidates — Alena Famina and Aliaksei Haurutsikau — held pickets and meetings with voters. The meeting with voters at high school No. 45 of candidate in Vitsebsk Horkauskaya district No. 18 Aliaksei Haurutsikau was attended by 20-25 people, while about 1,800 invitations had been distributed ahead of the event.

However, in some regions the meetings with the candidates were held with sufficient interest from the electorate. On September 5, the Salihorsk-based Builders' Club hosted a meeting with candidate in electoral district No. 68 Viktor Malochka. The leader of the United Civil Party Anatol Liabedzka attended the event as a trustee of the candidate. The opposition politicians were listened to by some 70 people. The event was held under close supervision by the law enforcement agencies. However, the event was held in a peaceful atmosphere. The candidate Viktor Malochka and his election agent Anatol Liabedzka told about the campaign "For Free Elections without Lukashenka" and urged the voters not to go to the "pseudo-elections to the pseudo-Parliament." Still, there was one incident. During the event, the odious Salihorsk police officer Heorhi Kryvaltsevich, responsible for numerous detentions and harassment of the opposition in the region, tried to arrest another trustee of Viktor Malochka Ivan Shyla, threatening him with two days of arrest. After consulting someone by phone, Kryvaltsevich stopped trying to detain the youth activist.

In Orsha, public campaigning events were conducted by the members of the party "Fair World" Mikalai Petrushenka and activist of the "Tell the Truth" campaign Kanstantsin Antashkevich, whose teams almost daily staged pickets in approved locations. The meetings with voters held by Kanstantsin Antashkevich were not too popular (from 3 to 50 people). However, they were attended by ideology officials who sought to discredit the opposition candidate. A member of the party "Fair World" Mikalai Dziamidau also held meetings with the voters, and the events were initiated by the electors — they invited the candidate to discuss problematic issues.

Despite the existence of competition in Maladechna rural electoral district, all the candidates were rather passive during the election campaign. It is possible that the low activity in conducting campaign pickets was due to the fact that the district executive committee excluded from the list of authorized places really suitable locations, leaving only an amphitheater and the backyard of a school stadium. The only picket was held near the amphitheater on the eve of the election by members of the Belarusian Republican Youth Union, who distributed leaflets for the pro-government candidate Halina Lazouskaya.

In Minsk, some candidates campaigned through meetings with voters in places determined by Minsk city executive committee under to Art. 45.1 of the EC; this concerned pro-government, opposition and independent candidates. The pickets in support of the pro-government candidates and against a boycott of the elections were held by activists of "Belaya Rus" and the Belarusian Republican Youth Union. On September 15, a picket was staged outside the city's Kamarouski market under the slogan: "While there are political prisoners — There are no elections" by candidates from the United Civil Party, joined by representatives of the Belarusian Christian Democracy. At the same time, next

to the event a picket was staged by activists of the campaign team of head physician of the 34th city polyclinic and a member of "Belaya Rus" Dzmitry Shautsou, who denied that there were political prisoners in Belarus. During the picket, the opposition candidates were holding portraits of political prisoners. Anatol Labeledzka and Volha Kavalkova told the voters that as long as the opponents of the government remained behind bars, they were not going to participate in the elections. They also called to boycott the elections and not to go to the polls, while nearby the supporters of Dzmitry Shautsou encouraged the voters to participate in the elections and to vote for their candidate.

The issue of political prisoners was quite actively used by pro-democratic candidates during campaign events both in Minsk and in the regions. On September 16, a picket in support of political prisoners was staged by a candidate in Kalvaryiskaya district No. 104 Tatsiana Karatkevich (campaign "Tell the Truth") near the shopping center "Karon" in Minsk. Another activist of the campaign Yaroslau Bernikovich who ran in Navapolatsk electoral district No. 25 not only used his campaign pickets to canvass for votes, but also to remind of the existence of political prisoners in Belarus, and so that everyone could express their solidarity and support. There were two stands in Yaroslau Bernikovich's picket — one with a portrait of the candidate and the civil agreement, under which the participants of the "Tell the Truth" campaign were working, and the other — with portraits of political prisoners and the addresses of the penal facilities where they were serving their sentences. While in Minsk the picketers had no problems relating to the highlighting the issue of political prisoners, the aspect of the campaign activities of Ya. Bernikovich attracted attention of the police, who tried to take him to the district commission for assessment of campaigning methods, but no sanctions were used. Chairman of the DEC in Pinsk town district No. 14 Ihar Berastsen threatened candidate of the BPF Aliaksandr Ramanovich with considering the compliance of highlighting the issue of political prisoners, touched on during his campaign rally on September 16, with the respective provisions of the Electoral Code. According to the DEC chairman, the information about political prisoners had nothing to do with the elections, therefore the actions of the candidate would be considered at the next meeting of the commission. However no sanctions against A. Ramanovich were applied, as the candidate withdrew from the race.

The campaign across the country did not cause much interest among the population. One of the possible reasons was voiced by the head of the "Tell the Truth" campaign Uladzimir Niakliayeu during a picket in Minsk in support of the candidate Tatsiana Karatkevich, which was held outside the Philharmonic Society on September 12, "Even if you look at how our today's picket is being held... People pass by lightly delayed, but seeing here an accredited KGB cameraman, they think if it is worth staying here, and they walk on. The society is intimidated."

Local authorities did not facilitate the campaign activities and the dissemination of information about meetings with voters. There were registered cases of impeding the use of premises for meetings with voters. The owners of the premises refused to provide them, citing previous engagements. This affected both the opposition candidates and those not favored by the authorities. In particular, on September 11, the Zhodzina "BelAZ" Center of Culture was to host (upon agreement with the district commission) the meeting of the CPB candidate Siarhei Vasileuski with voters. However, the small hall of the Center appeared to be locked up at the scheduled time. There were no signs that preparations had been made for the meeting at the Center of Culture. There were no voters, no representatives of the DEC, who usually came to such meetings, nor usual equipment. Meanwhile, the CPB candidate had submitted a timely application to the district commission and pasted 40 advertisements around the town. On September 13, the meeting with Siarhei Vasileuski in the Center of Culture "Ravesnik" in Zhodzina was attended by one voter, while the officially designated room under the guise of "repairs" was filled with banquet tables under white wedding tablecloths. In preparation for the meeting, the candidate filed an application to the DEC of district No. 64, and the newspaper of the town executive committee "Zhodinskiya Naviny" published an announcement on September 12. It was impossible to learn who had ordered the closure of an approved meeting room, advertised through the official newspaper. Director of the Center of Culture Iryna Antsitovich said that the room was not ready for the election meeting, as it was being redecorated.

The campaign activities of opposition candidates were often impeded by the executive power. In the last days of the campaign, local authorities and the management of some companies banned the

meetings of the candidate in Luninets district No. 13 Vital Karatysh with their employees. In particular, after the ban on the meeting with the workers of the Luninets-based enterprise "Palesselektramash," the same obstacles were ordered by the management of the "Granite" plant in Mikashevichy. Vital Karatysh got to the territory of the enterprise by bus and tried during informal conversations with the workers to hand out his information materials. But after the intervention of the administration of "Granite," the security employees stopped the meeting and ordered the candidate to leave the territory of the enterprise.

On September 7, by order of the administration of the rural industrial complex "Slavutsichy" in Zelva district, officials stopped a meeting with candidates in Slonim district No. 58 Ivan Sheha (BPF) and Mikhail Karatkevich ("Fair World"). The candidates came to the agricultural complex before the start of the working day, and workers had gathered for a meeting, but soon local official received an order from the management sector, the event was stopped, and the mechanics went to their work. A similar situation took place on the farm "Synkovichy" of Zelva district. The candidates addressed the head of the car depot and the chief engineer of the farm with a proposal to hold a meeting with the farm mechanics. An agreement was reached that on September 4, at 7.45 a.m. they would be able to hold the meeting. On September 4, at the appointed time, the candidates came to the depot, but the chairman of the farm "Synkovichy" Dzmitry Dzeshka banned the meeting, arguing that the candidates did not personally agree the event with him. It is worth noting that the pro-government candidate Ala Sopikava smoothly conducted her meeting at the same car depot during working hours on August 27.

Campaigning for loyal candidates involved representatives of local executive committees, heads of government agencies, organizations and enterprises. In many places they created favorable conditions for meetings of the pro-government candidates with voters. Administrative resources were used for this purpose across almost all regions. Pro-governmental candidates had meetings at enterprises organized for them, often such meetings were held during working hours. For instance, Tatsiana Kananchuk, head of Slauharad district council and local organization of "Belaya Rus," running in Bykhau district No. 81, held a meeting with employees of Bykhau bakery during working hours. Administration of Maladechna school No. 9 organized the teaching staff and parents of students to meet Stanislau Kulesh, director of "Biarezinskaye" company running for the parliamentary mandate in Maladechna rural district No. 73. Administrative resources were also used for organizing meetings with voters of Uladzimir Dziedushukin, head of Orsha district executive committee running in Orsha-Dniepr district No. 27. The state structures provided support to one of the five candidates in Brest-Zakhodniaya district No. 1, general director of Brest CUM Viktor Valiushytski. His meetings with voters at the enterprises were conducted during working hours with the participation of representatives of Leninski district executive committee of Brest. The hospitals and clinics of the district, the stores "Sante" accommodated the printed campaign materials of only that candidate. During the meeting of deputy head of the State Control Committee Aliaksandr Aheyeu with employees of "Babushkina Krynka" company, the enterprise administration attempted not to allow Ryhor Kastusiou, deputy head of BPF Party, to come to the meeting. The fact that Aliaksandr Aheyeu had scheduled this meeting with voters was told to the candidate by his election agent, Bialynichy BPF activist Mikalai Miatselitsa. He, in turn, learned this from the employees of the company, saying that at 7.30 a.m. August 11 everyone was ordered to be at the meeting with Aheyeu. Ryhor Kastusiou, together with his proxy, decided to participate in the meeting, but when they came to the company in the morning, the security staff did not let them in. After that, there appeared Aliaksandr Aheyeu and representative of the district commission of Shklou electoral district No. 90, as well as the manager for cheese production of "Babushkina Krynka" Tamara Haliota. After some consultations, the opposition candidate was ordered to be let in. The company's employees had the opportunity to see the actual treatment of the opposition candidate, when he had to fight for his right to meet with voters.

On September 17, Valery Karankevich, a candidate for the Chamber of Representatives in Krychau electoral district No. 83, filed a complaint against the use of administrative resources by his rival, first deputy chairman of Mahiliou regional executive committee Uladzimir Krautsou. The complaint cited the evidence of Krautsou's meetings with voters at the enterprises of Khotsimsk district during working hours (the farm "Aktsiabr-Biarozki," Khotsimsk Raipo), organized by his subordinate employees of Khotsimsk executive committee, including its chairman Fiodar Vishneuski. Valery Karankevich's complaint did not receive an adequate response, as required by the law.

Withdrawal of UCP and BPF candidates

On September 15, the UCP and the BPF canceled their decision to nominate candidates for Parliament, and on September 17 relevant documents were sent to the DEC. The parties said this was caused by the existence of political prisoners in the country and the lack of positive changes in the electoral process, including the failure to include members of the opposition in the composition of the election commissions. The UCP pointed to the fact that the EC still provided ample opportunities to manipulate the election results during a five-day early voting.

The Resolution of the second session of the Extraordinary XV Congress of the Party of the Belarusian Popular Front of September 15 stated, "On the basis of the tactics chosen by the Party of the Belarusian Popular Front conditioned by the participation in the electoral process, the Extraordinary XV Congress of the Party of the Belarusian Popular Front states that the campaign was non-free, non-transparent, it did not provide any opportunity for candidates to compete for votes and failed to meet the obligations of Belarus as an OSCE member country, while the election commissions created without the participation of the opposition cannot be considered as bodies that could honestly count the votes. Given the above and guided by previous decisions about the format and conditions of participation in the election campaign, the BPF: - cancels its decision to nominate candidates for the Chamber of Representatives; - encourages voters to abstain from voting on the basis of lack of free and fair elections."

The UCP's document on the results of the first phase of the campaign "For Fair Elections without Lukashenka" of September 15 stated, "The March 2012 Congress of the United Civil Party adopted a strategy of struggle "For Fair Elections without Lukashenka!" The strategy is based on the fact that there are no elections as such: results of the "people's will" are predictable and have nothing to do with the real choice of the people (...) The UCP was able to draw up a plan of action, to impose it upon the authorities and to successfully and consistently implement it. We pioneered the use of tactics that can be defined as a "controlled boycott." The opposition party managed to break into the media, illegally monopolized by the regime (...) Today, the second meeting of the Extraordinary Congress has taken place, which withdrew all the "candidates" of the UCP. However, this in no way means the end of the campaign "For Fair Elections without Lukashenka!" (...) The first phase of the campaign will be completed by an active participation in the monitoring of voter turnout at the polls (...) Since the first day of early voting, the maximum number of polling stations should be under the control of the observers, preferably with photo cameras, or video cameras, to record the actual number of people who come to the polls. We understand that the government can "draw" any desired result, even with the tightest supervision. But for all that, the observers will know that the government is lying."

Among the opposition parties, there were two — the United Civil Party and the Party of the Belarusian Popular Front — who nominated the largest number of candidates, 35 and 31, respectively. Of the opposition forces, the following parties proceeded in the elections: the Belarusian Left Party "Fair World" (29 candidates) and the Belarusian Social Democratic Party (Hramada) (11 candidates), one candidate from the organizing committee of the unregistered Party of Freedom and Progress, and the candidates nominated by collection of signatures in support of an unregistered campaign "Tell the Truth" and the public association Movement "For Freedom."

Of non-opposition parties, the campaign was continued by nominees of the Liberal Democratic Party (70 candidates), the Communist Party of Belarus (21), the Republican Party of Labor and Justice (8), the Agrarian Party (1) and the Social Sports Party (1).

As a result of removing the candidates by the leading opposition parties, 15 districts remained uncontested: Baranavichy Zakhodniaya district No. 5, Baranavichy rural district No. 7, Belavezhsкая district No. 8, Pruzhanskaya district No. 9, Pinsk town district No. 14, Homel Selmashauskaya district No. 32, Vaukavysk district No. 48, Hrodna rural district No. 52, Masty district No. 56, Navahradak district No. 57, Smarhon district No. 59, Shchuchyn district No. 60, Barysau district No. 62, Vileika district No. 74, and Zaslauye district No. 77.

Thus, in Hrodna region of the 13 districts 6 were uncontested, in Brest region — 5, in Minsk region — 3, in Homel region — 1. Their total number is approximately equivalent to the uncontested electoral districts in the parliamentary elections of 2008 (16), but higher than that in the 2004 parliamentary elections (8 uncontested electoral districts). Traditionally, alternative districts are most common for the regions, especially in rural areas. The capital is characterized by relative electoral competition.

Early Voting

According to Art. 53 of the Electoral Code, early voting begins no earlier than five days before the Election Day. It occurs in the premises of the PECs in the presence of at least two of its members between 10 a.m. and 2 p.m. and 4 p.m. to 7 p.m. The law does not require any official proof of the inability to come to the polling station on the Election Day. Ballot boxes are sealed and stamped on the first day of early voting.

Every day of the early voting, the PEC is to make and post the protocol indicating the total number of the received ballot papers, the number of voters who received the ballot papers (on the last day — the total number summing up all days), the number of spoiled, and, separately, unused ballot papers.

It is prohibited to force voters to take part in early voting.

According to the Calendar Plan, early voting was held from September 18 through 22, 2012.

1. Coercion to participation in the early voting

Since the first days of September, observers recorded intensive use of administrative resources for securing voter turnout during the early voting. The state media launched a campaign of open propaganda of early voting.

In mid-September, the ideology department of Salihorsk district executive committee began activities to arrange forced early voting. Pressure was exerted on the region's residents through the administrations of local enterprises. This was reported to independent observers by representatives of several public and private institutions. Special information materials appeared in the newspaper "Shakhtsior," were broadcast by local radio and television channels. The STK TV channel aired daily reports by the precinct election commissions on the percentage of early voters; the newspaper "Shakhtsior" published explicit calls to local officials and executive chiefs to vote early. An active part in promoting the early voting campaign was played by chair of Salihorsk rural electoral district Tatsiana Yarota, who had gained fame during the previous presidential election. Then, at the polling stations she was in charge of the counting of ballots from the ballot boxes for early voting revealed a landslide support for the incumbent (98%), while the figure was significantly different from the results of the Election Day.

An information day on the subject "The Electoral System of the Republic of Belarus. Domestic and International Experience" was held in Pinsk on the eve of early voting. As part of the event, the propaganda groups of Brest regional executive committee visited the major enterprises "Palesse" and "Kavlitsmash Ltd.," while the ideology officials of the town executive committee visited Palesse State University, secondary schools Nos. 3 and 14, "Pinahruzservis Ltd." and the project and design studio "MARS." During the early voting, the "Pinski Vesnik" newspaper published an appeal by Pinsk town executive committee's chairman Aliaksandr Hordzich calling the citizens to implement their civic duty and participate in the elections. The front page of the same issue featured a story of exemplary early voting by state medical college students who, as always, were active in the early expression of their will because they had "the weekend and a trip to the parents ahead of them." Stories about voting by the students of this educational institution were made by the Pinsk TV channel.

In its issue of September 19, the "Maladzechanskaya Hazeta" newspaper told of the activity of polytechnic college students who were active right on the first day of early voting and came to the polls. But observers learned that it was not the initiative of the young voters. Taking part in the vote as soon as possible was promoted by their teachers, and especially insisted on by the officials of the college dormitory.

Despite the legislatively established ban on forcing to participate in early voting, similar facts were registered at about 16.8% of the observed polling stations.

Mainly, the citizens who voted early were those who depended on the state: students living in students' dormitories, residents of enterprises' dormitories, military servicemen, employees of state-

owned enterprises, citizens under personal restraint, etc. We observed the following indications of coercion to participate in early voting: voters' requests that the PEC issued certificates that they had taken part in the voting, organized transfer of voters' groups to a polling station, PEC members reporting to representatives of administration about participation in early voting, etc. There were recorded numerous cases of checking by PEC members and representatives of state-owned enterprises and educational institutions on the lists of voters and those who did not vote, which is a clear sign of the control of the situation.

On September 21, early voting was underway at polling station No. 12 of Homel Tsentralnaya district, where the ballots were mostly cast by the students of Medical University. When asked, "Why do you vote early?" most of the students said, "We were told to vote" or "I got a call from the University and was told that I voted today." The question, "What will happen if you do not vote?" the students responded, "Perhaps, there may be some problems, we think it is better to vote."

The students of Polatsk State University told the observers that they had been strongly "advised" to vote early at the level of deans and their deputies. The dean's offices received daily information from polling station No. 9, where the majority of students residing in the university dormitories were expected to vote. Those who did not vote early, were hinted at the possibility of troubles. The administrations of dormitories were also involved in the process. Educators visited the rooms and promised troubles in case of not turning up for the early voting. Indirect evidence of the involuntary participation of students in the elections was the fact that the neighboring 9 polling stations showed much lower voter turnout.

In Hrodna, coercion to participate in early voting was used by the teachers of the Yanka Kupala Hrodna State University. Associate dean Mikalai Myslivets and Professor Siarhei Amialko of the Faculty of History and Sociology gathered the students living in other towns and took them to the polling station for early voting. A similar situation was reported at Hrodna Teachers' College. On September 20, independent observers recorded at polling station No. 13 of Hrodna Tsentralnaya district No. 50, located in the dormitory of Hrodna State Medical College, the fact when a student asked the district commission representative to issue a certificate on early voting to be submitted to the dean of the education institution.

As early as on September 19, a record 431 voters cast their ballots at polling station No. 32 of Brest Uskhodniaya district No. 3, which was located in the cafe "Zodchyia" (former students' cafeteria) and belonged to the nearby hostels of Brest State Technical University. Almost all the voters were BSTU students who tended to vote in an organized manner and came at a time when they should have been at classes. Early voting was also very active at polling station No. 15 of the same electoral district, located at the hostel of the Brest State College of Medicine. According to independent observers, 243 people voted there on September 19, mostly students of the college.

In the Slonim State College of Medicine students were sent to the polling station by orders of the administration. 30 people voted early on 18 September, and on September 19 the polling station was visited by 70 students.

In Minsk, nonresident students of the Andrey Sakharov International State Ecological University were "recommended" by the dean's office to vote early instead of classes. Moreover, those who voted early were promised to receive assistance in getting the room, and if they refused to vote — they could be deprived of the hostel. The students of the Belarusian State University of Culture and Arts were offered an additional day-off for voting early: they could be excused from classes from 21 to 24 September. The officials of the Faculty of Information Technology and Robotics of the National Technical University also used a "mild" approach to promote early voting. There was no official order of the rector of the Belarusian National Technical University on the days-off of Friday and Saturday (September 21 and 22), but a verbal promise was made by the administration of the University. The students of the Minsk Institute of Management reported that the deputy deans visited the groups with a list of students from other cities and said that they should vote early. Everything was under the control of the rector of the University Mikalai Susha. If someone did not vote, and this could be seen from the list, "measures would be taken;" however, it was not specified what measures would be taken.

On September 18, some 250 voters voted within half an hour at polling station No. 3 in the Horki-based electoral district number 83; almost all of them were students of the Belarusian Agricultural Academy. Some came alone, some were brought by the curators of groups, who waited at the exit for the students to perform their "civic duty."

The students of Baranavichy State University were forced to take part in the early voting by the curators and representatives of students' activists. 6,801 people voted within three days at polling station No. 21 in Baranavichy Uskhodniaya district No. 6, which amounted to 31.6% of the entire list. At this polling station, the ballots were cast by the students who were registered in the University dormitories. Among the curators who supervised early voting, the students named Natallia Maiseenka and Hanna Verameika, who threatened them with the eviction from the dormitory, or deprivation of scholarship. The complaint of the observer Siarhei Housha lodged following the violations to the district election commission of Baranavichy Uskhodniaya district No. 5 was replied by its chair Tatsiana Latyshava, who argued that "curators of Baranavichy State University Natallia Maiseenka and Hanna Verameika did not force the students to vote early, but only informed them of the possibility of such voting on September 18-22."

In Ivatsevichy electoral district No. 11, deputy chief of local police department for educational work and the wife of the District Prosecutor Larysa Kolbikava ordered each employee of the department to go to the polls during lunch time on the first day of voting, "in order to avoid troubles." L. Kolbik warned that it would be under control.

On September 18, the first day of early voting, 12 conscripts were brought before lunch from a local military unit in Biaroza to polling station No. 57 of Pruzhanskaya electoral district No. 9, and half an hour before closing at 6.30 p.m. — 44 more conscripts. The soldiers reported that they had been delivered to vote early by order of the political officer.

Director of the Slonim district unitary enterprise of housing and communal services Uladzimir Pakala urged his employees to vote early. On September 19, his wife, who worked as a supervisor at the same enterprise, called the mobile and home phones of all the employees and ordered on behalf of the Director to arrive at their polling stations and to vote early during the following two days. When the employees asked what would happen if they did not go to the polls, the supervisor replied that there would be troubles, however, not specifying what kind of troubles.

The observer from the CCP BPF Yulia Balakir, who worked at polling station No. 5 in Slutsk electoral district No. 67, reported the following facts. On the second day of early voting, on September 19, the polling station was visited by two persons, one of whom did not have a passport on him, and the members of the commission refused to issue a ballot. The man openly declared, "We were excused from work for an hour, saying that today everyone should vote, or we will get fired." His colleague immediately stopped him, "Be quiet!" The man said he was working in the local mobile mechanical department.

An observer at Salihorsk rural polling stations Nos. 76 and 77, Uladzimir Shyla reported that on September 19 a woman, after casting her ballot, asked the commission to issue a certificate with a seal to certify that she took part in early voting; the certificate was to be submitted to her employer. The other woman did not have a passport, only a piece of paper issued by her employer, therefore the commission did not allow her to vote. The woman nearly burst into tears, saying that she would not be able to justify herself to the boss for not having voted early.

2. Conditions for observation during the early voting

Some observers were denied accreditation to the polling stations. The claims to observers by the commission chairpersons often dealt with formalities, and in some cases were illegal demands.

At least 30 people were not allowed observing in the Mahiliou-based Pramyslovaya electoral district No. 87 on the first day of early voting. The official explanation said that the protocols of the nomination of observers from the Mahiliou regional branch of the United Civil Party had no stamp. The leader of the United Civil Party in Mahiliou Uladzimir Shantsau said that the regional office of

the UCP did not have any stamp. Meanwhile, the Central Election Commission stressed that the minutes of the structural unit of a party or a public organization should use the stamp only when there is one. However, the chairman of the district election commission Mr. Kazhemiakin told the party leader that the problem would be settled only when there were a stamp, and that he did not care that the Central Commission recommended that, as he had his personal opinion on the issue. Only after the Central Election Commission ordered the district election commission No. 87 to allow the work of observers, the issue was resolved.

The commission of polling station No. 15 of Hrodna Tsentralnaya electoral district refused to register observer Alena Ksenz on the grounds that she was not a member of the United Civil Party. Moreover, the election official demanded the party's membership ID. The incident was intervened by the coordinators and lawyers of the campaign "For Fair Elections," who arrived at the polling station to convince the election commission that it violated the law, as a political party has the right to nominate observers both among its members, and from other citizens, who may be its representatives. Finally, the precinct commission received strict guidelines from the Central Election Commission and registered the observer.

On September 19, at least four observers were not allowed to the polling stations on the territory of Mahiliou Pramyslovaya electoral district No. 87. The initial reason for non-admission of the observers was that the protocols of nomination of the observers from the regional organization of the NGO BPF "Adradzhenne" failed to specify the legal address and telephone number. After the irregularities were corrected, the election officials announced new claims — the organization itself was not located at the address specified in the certificate of registration, while the issue is not within the jurisdiction of the district commission, being the competence of the Mahiliou Regional Department of Justice.

On September 21, eight persons were denied the right to continue observation at the polling stations in Svetlahorsk. All the observers were sent to the polls by the Svetlahorsk regional organization of the party "Fair World", the head of which S. Daineka was at the time running for Parliament. At first, the heads of the district commissions agreed with the powers of the observers, but then stated that the documents allegedly mentioned the wrong address of the party's local office. According to S. Daineka, the documents were filed with the new address, and the commissioners had outdated information. Only after several complaints, the observers were able to return to the polls.

Still, the observers had the opportunity to observe at the majority of the polling stations. However, members of the PECs demanded that they observed only from certain places, sometimes negating the very meaning of observation or creating significant obstacles. In particular, chair of precinct election commission No. 52 of Vitsebsk Chkalauskaaya electoral district Nina Shubina did not allow observers to the premises of the polling station. A table set for them was located in the adjacent room, where no one could see the ballots being issued, and it was impossible to see any actions of the commission. In Brest, at polling station No. 44 of electoral district No. 1, the observers also had no opportunity to observe the electoral process — the place they had been sent to was in the next room. On the first day of early voting in Mazyr, observer Uladzimir Tseliapun, nominated by citizens to polling station No. 18, while trying to come up to the box to look at the quality of the sealing and verify the signatures of members of the commission, received an order from deputy chairman of the commission Ivan Navitski, "The observer should sit in the special place, instead of wandering around the room."

In many cases, the observers of the campaign "Human Rights Defenders for Free Elections" did not have an effective opportunity to continuously monitor the ballot boxes and be confident in the absence of any manipulation. Observers were allowed to be present at polling stations only during the official working hours. However, there were multiple instances when PEC members were present at polling stations behind closed doors at the time other than the working hours set up by law. They explained that was needed for the "working needs of the PEC," "preparation of the office for voting," etc. Also, there were observed instances of voting offices not being closed during the breaks and at the end of the day.

On average, at about 3.1% of polling stations observers of the "Human Rights Defenders for Free Elections" campaign encountered obstacles when counting the number of voters who took part in early voting. In particular, the observers noted multiple refusals to provide information about the

number of voters registered at polling stations. That made it impossible to count the percentage of early voters among all the voters registered at a polling station. An example of such a ban on providing the information was registered at polling station No. 30 in Leninski district of Babruisk. The question from the observer of the trade union REP Dzmitry Marholin on the number of early voters was replied by members of the commission as follows: "It's none of your business."

	<i>Sept 18</i>	<i>Sept 19</i>	<i>Sept 20</i>	<i>Sept 21</i>	<i>Sept 22</i>	<i>On average</i>
Number of polling stations from which early voting reports were received	151	158	156	158	165	157
Percent of polling stations where obstacles for observers were created	3%	3.6%	3.2%	2.5%	3%	3.1%

At the polls across the country, PEC members threatened to remove or removed the observers for various reasons, but also pressured them in other ways. In Babruisk, a threat "to kick the observer out" were heard at polling station No. 14 (school No. 26), observed by activist of the "Tell the Truth" campaign Valiantsina Hlukhava. The observer noticed the discrepancy of six votes in the number of voters announced by the PEC members with her own estimates. A similar reason — discrepancy of the data presented by the PEC on the number of voters and the results of independent calculations — was the cause of a warning to the observer, leader of the Mahiliou regional organization of the Belarusian Party of the Left "Fair World," Professor of the Belarusian-Russian University Valery Berazienka. Chair of the Commission Mrs. Yakimenka regarded this as "the creation of a conflict situation and the tense atmosphere in the polling station." The chairman of the Haharynskaya PEC No. 36 of Vitsebsk rural district No. 21 Piotr Prasolau considered taking pictures of the polling station by the observer of the Belarusian Social Democratic Party (Hramada) Leanid Haravy as "disrupting the work of the precinct commission." The chairman of the commission asked the observer to delete the pictures from the camera, and threatened to remove him from the polling station. It happened on the first day of early voting, and on the second day, September 19, Leanid Haravy was removed from the room in an attempt to get closer to the voting booths. According to the chairman of the precinct commission Piotr Prasolau, these actions of the observer "interfered with the vote."

On September 20, two observers — Andrei Tsianiuta and Andrei Zhalezniczenka — were removed from polling station No. 3 in Homel Tsentralnaya district No. 33 for just counting the number of voters who participated in early voting. When the observers tried to compare their data with the official information and came up to the commission members, those ordered them to leave the station. The order was given by deputy chair of the commission Sviatlana Kukharava, and although the information was requested by only one of the observers — Andrei Zhalezniczenka — both were removed.

On September 21, the chair of the PEC of polling station No. 70 of Mahiliou Tsentralnaya district No. 85 Vera Tsyrukunova issued a written warning to the observer of the United Civil Party Yuri Darashenka, and at the same time cancelled his accreditation at the polling station. The decision was motivated by the fact that the observer "interferes with the work of the election commission." The commission chair said the obstacles were conducting a parallel count of the number of voters and submitting complaints about election law violations.

3. Registered violations during the early voting

In 5.4 % of cases, observers made remarks about the procedure of sealing ballot boxes on the first day of early voting. Loose sealing of boxes was registered at polling station No. 412 of Masiukoushchyna district No. 103 and polling station No. 594 of Uskhodniaya district No. 107 in Minsk, polling station No. 44 of Brest-Zakhodniaya district No. 1, etc. Violation of the official schedule for the PEC took place, on average, at 4.5% of the polling stations.

Interference of third persons in the work of PECs was noted at about 20.9% of polling stations. Mainly, they were representatives of the local executive authorities, representatives of enterprises and

institutions' administrations, etc. This happened at PEC No. 14 of Vitsebsk-Chyhunachnaya district No. 19, PEC No. 30 of Hlybokaye district No. 22, etc.

At many polling stations, observers saw people in plain clothes, who refused to introduce themselves to observers. In Minsk, such cases took place at polling station No. 572 of Uskhodniaya district No. 107, polling stations Nos. 396, 397 of Sukharauskaia district No. 102, polling station No. 243 of Hrushauskaya district No. 98. Observers also registered presence of heads of police departments who checked on the activity of police officers at polling stations.

We observed multiple cases when PEC members and representatives of state-owned enterprises and educational establishments cross-checked the lists of those who voted and did not vote, which is an obvious sign of attempt to control the situation. The PECs regularly informed administrations of the appropriate institutions about the number of those who took part in the early voting (polling station No. 12 of Mahiliou-Leninskaya district No. 84, polling station No. 31 of Brest-Uskhodniaya district No. 3, etc.)

Protocols about the results of everyday voting were not posted for public viewing at 1% of the polling stations. Observers explained to the PEC members the necessity to make everyday reports about the results of early voting.

3.1. Discrepancies in the number of early voters

According to the estimates of the observers of the "Human Rights Defenders for Free Elections" campaign, during the initial days of early voting there was little difference between the observers' data and the PEC information relating to the number of voters who had voted early. However, by the last day of early voting, the difference between the official and the observers' data was 8.3%.

Also, the number of polling stations at which the PEC data were different from the observers' data increased significantly by the end of the early voting period — from 30.7% on the first day to 39.5% on the last day of early voting.

Number of voters who voted early¹⁴

Day	Number of polling stations with available information about the number of those who have cast their votes	Number of early voters		Difference	Percentage of polling stations where differences between the official data and observers' data of those who voted early every day was registered
		PEC data	Observers' data		
September 18	137	6,357	6,074	-283 (2.3%)	30.7
September 19	143	10,773	10,169	-604 (2.9%)	31.5
September 20	142	13,968	12,889	-1,079 (4%)	28.47
September 21	143	18,181	16,292	-1,889 (5.5%)	40.36
September 22	154	24,989	21,158	-3,831 (8.3%)	39.5
Total (on average)		74,608	66,926	-7,682 (5.4%)	(34.2)

In some cases, observers registered significant differences in their count of voters who voted during one day and the official data announced by the PEC at the end of the day. For instance, in Homel-Savetskaya electoral district No. 34 at polling stations Nos. 1, 2, 18, 23 the double and triple difference in numbers continued to be registered throughout the whole early voting period. In particular, on September 20, according to the observers, 42 voters voted at polling station No. 2, while the precinct commission reported 123 votes. Another big difference was detected in the polling

¹⁴ Data of 719 reports (from polling stations where observers managed to receive PEC data about the number of those who have cast their votes), summed up from the whole period of early voting.

station No. 33, where elections were had taken place ahead of the schedule. There were 800 registered voters, 436 people voted early, while the observers recorded only 101 voters. The big difference between the official data of election commissions and the counting of observers during the whole period of early voting could be seen in other polling stations of district No. 34: for example, at polling station No. 1 the observers counted 202 people, while the official figures were 426 votes, at polling station No. 2 — 192 and 421 persons, respectively, at polling station No. 18 — 222 and 524 voters.

At the Babruisk-based polling station No. 12 (located in the housing department No. 7, Leninski district), independent observers noted the initial difference in their calculations on the number of voters with those provided by the commission. In the first days of early voting, they recorded a discrepancy of 20 to 33 people, but every day the number of "phantoms" was multiplied on paper. According to the commission, 358 people voted early at the polling station, while observers counted 150 persons.

On the first day of voting, the observers registered at polling station No. 45 of the Mahiliou-based Pramyslovaya electoral district No. 87 counted only 6 voters, but the protocol said there were 16 voters. The same thing happened on the second day of voting. The observers estimated that only 14 people came to vote during the day, while the protocol claimed a different figure — 98.

Observer Aliaksandr Balobin counted on the first day of early voting 27 people at the Khotsimsk-based Kalininski polling station No. 55 of Krychau electoral district No. 83, while the final report said there were 57 voters. Leninski polling station No. 54 of the same district was attended by observer Piotr Baseika. The first voter on September 18 came at about an hour after the opening of the polling station, then the observer was absent for an hour, and then he recorded the appearance of 6 more voters. However, the final report argued there were 107 voters during the day. The observer expressed disbelief that it was true: in just one hour of his absence 100 residents of Khotsimsk voted early.

Another trend was reported: the number of early voters at polling stations covered by independent observation was significantly different from the polling stations with no independent observers. On September 22, 86 people voted at the Salihorsk-based polling station No. 77, while polling station No. 78 located in a neighboring school in the same district on this day was supposedly visited by 274 people. The polling stations are identical, but in the latter there were no independent observers. The voter turnout for the two neighboring districts of Svislatskaya electoral district No. 94 differed by more than five times. On the first day of early voting 68 people voted at polling station No. 121, while at the nearby polling station No. 122 — only 12.

The sharp decline in the number of voters was registered at polling station No. 613 of Kalinouskaya electoral district No. 108 on the last day of early voting, when there appeared an independent observer. In particular, the report of the commission of September 21 stated that the polling station was visited by 270 voters, and of September 22 — by only 25 people. Thus, the voter turnout dropped 10 times in just one day, when an observer was present at the polling station, and his estimates coincided with the figures the commission announced on that day.

Such discrepancy demonstrates the commitment of commissions to inflate the number of voters who took part in the vote before the Election Day.

Election Day

According to the Presidential Decree of 18 June, 2012 "On the Appointment of the Elections to the Chamber of Representatives of the National Assembly of the fifth convocation," the elections were scheduled for and held on September 23. On that day, the voters could vote both at the polling stations, and at their location.

1. Mobile voting

Voters, who for health or other valid reasons cannot come to the polling station on Election Day, are provided with an opportunity to vote at their place of residence by the PEC. Official confirmation of the inability to come to a polling station is not required. However, according to Article 54 of Chapter 13 of the EC a voter is supposed to apply to the PEC (in oral or written form) with such a request. The PEC should create a special list of voters who have opted to vote at their location by compiling it with the use of the general information. To organize such voting precinct commissions should have no more than three portable boxes that must be followed by not less than two members of the commission, who shall receive in advance the number of ballots corresponding to the number of voters on the special list.

Observers registered the fulfillment of specified legislation procedures during the mobile vote. 90.6% of the observers noted that the PEC did keep the list of voters who had requested voting at their place of residence. At 79% of the polling stations, PEC chairpersons provided information to observers about the number of voters who had requested the option. According to observers, at 70% of the polling stations, PEC members who organized the voting at voters' homes received the number of ballot papers corresponding to the number of voters on the relevant list. At 30% of the polling stations that procedure was violated. In the majority of cases (79%) observers were allowed to accompany PEC members and be present during voting at voters' homes.

Often PECs arranged voting at the voter's location for voters who had not applied for the option. Observers registered a large number of situations where voters refused to vote when the election commission members visited their homes, expressing surprise at the unexpected visit or stated that they had already voted at the polls or were going to visit the polling station later. For instance, at polling station No. 9 of Barysau town district No. 62, PEC reported that 140 citizens had requested voting at home. During the first part of the day PEC members visited 60 homes. Serious mistakes in the voters' list were revealed. Three citizens were dead (one of them died two years before); 2 citizens were unconscious, and their relatives said they could not request home voting; 5 citizens stated they had not asked for home voting; no one opened the doors between 10 a.m. and 1.30 p.m. at 11 houses; 16 citizens claimed they either had already voted or would vote at a polling station; 3 were absent for different reasons (vacation, etc.).

At 20% of polling stations, we observed cases when voters claimed they had not requested home voting. We also registered cases when citizens, visited by PEC members for home voting, refused to cast their vote (polling station 126 of Svislach district No. 94, polling station No. 571 of Uskhodniaya district of Minsk, polling station No. 1 of Orsha-Dniaprouskaya district No. 27, etc.).

Yauhen Anishchanka, who was an observer at polling station No. 8 in the Orsha-based town district No. 26, accompanied the commission members in their visits to the voters' homes. It turned out that out of ten people visited by the commission members carrying the box only one confirmed that he had addressed the commission with the request. Moreover, one of the voters refused to vote at all, and drove the uninvited members of the commission from his apartment. A similar situation was reported in other polling stations of Orsha. This is indirectly confirmed by the fact that at the neighboring station No. 9 observer Uladzimir Anishchanka was denied the right to observe the mobile vote procedures.

The observer from the Belarusian Leftist Party "Fair World" Tomas Yakavitski documented a case when voters came to vote and it was found that the members of the precinct election commission had

already gone to their residence, because, supposedly, they had applied for mobile voting. The voters were strongly indignant, because they had not phoned the commission asking for the opportunity to vote at home, being able to come and vote at the polls. Tomas Yakavitski said that, according to the commission, of 1,800 voters registered at his polling station 360 allegedly decided to vote at home.

At many polling stations, commissions claimed incredibly big figures on the number of voters who, according to them, opted to vote at their location. This gave reason to believe that this type of voting was used to manipulate the vote and increase the voter turnout.

An independent observer Halina Yarashevich, who worked at polling station No. 24 (Palace of Children's Arts, 136 Savetskaya St.) in Baranavichy-Uskhodniaya electoral district No. 6, reported that the list of mobile voters increased from 47 to 362 people on the Election Day, September 23.

According to PEC No. 51 of Orsha Dniaprouskaya electoral district No. 27, on the Election Day 150 people voted at the polling station and 448 people at home; at station No. 12 in the village of Panizouye, Orsha district, 344 people voted at the polling station and 236 at home. At polling station No. 26 (Orsha town electoral district No. 26) there were 157 people on the list of mobile voters, but by the opening of the ballot boxes revealed a different figure of 283 ballots.

The Babruisk-based polling station No. 44 included 397 mobile voters; at polling station No. 38 — 407 voters; at polling station No. 11 — 121 people; at polling station No. 25 — 314 voters. All independent observers claimed it was impossible to visit several hundred apartments in just a few hours. According to their calculations, the maximum reliable figure is 21 flats per hour. It is these results that were reported by those of the visiting commissions, who were accompanied by observers.

2. Voting at the polling stations

Organizing and holding voting at polling stations is regulated by Articles 51 and 52, Chapter 13 of the EC. Under the provisions of the EC, voting on the Election Day shall be carried out at the polling stations between 8 a.m. and 8 p.m. At the polling stations located in closed institutions, it can be finished earlier, provided all the voters on the list have cast their ballots. Voting takes place in premises with booths or rooms for secret vote. The ballot boxes shall be checked, sealed or stamped before voting in the presence of at least two thirds of the commission. The ballot is issued to the voter against signature of receipt upon presentation of a required document. The voter votes in person.

The law states that the ballot boxes should be in sight of the PEC members, observers and media representatives. In the vast majority of polling stations (93.6%) monitored by independent observers that important requirement was met. However, some polling stations (6.4%) failed to meet this standard. Among them were polling station No. 47 of Autazavodskaya electoral district No. 92 and polling station No. 211 of Kastychnitskaya electoral district No. 97 in Minsk, polling station No. 6 of Ivatsevichy electoral district No. 11, and polling station No. 9 of Smarhon electoral district No. 59, where ballot boxes were located far from observers or were only partially available for observation. 5.3% of observers registered cases of several ballot papers given to one person. 2.1% of observers reported seeing campaign materials at polling stations. There were registered cases of issuance of ballot papers without the presentation of appropriate identity documents by the voter. Voting without a passport was reported at polling station No. 3 in the Mahiliou-based Pramy Slovaya electoral district No. 86. The head of dormitory No. 17, where voters registered at the station lived, visited the rooms and demanded that all should come to the polls and vote — even if they did not have any documents. A resident of the dormitory Larysa Shustsina said that the official knew that she did not have a passport, but said that it was not a problem, and asked to come to vote. L. Shustsina did so, while no identity documents were requested during the issuance of the ballot paper.

Art. 21 of the Electoral Code stipulates that neither the voters nor the observers have the right to look through the list of voters within the polling station. This is explained by the necessity to respect the right of privacy. Voters have the right to receive and check their own data only. However, PECs often shared information with citizens about their family members.

Voter lists were closed for observers. They were prepared by local authorities directly for each polling station. Their closeness and the numerous instances of non-compliance of the actual number of voters indicated that the lists failed to be checked from one election to the next, not taking into account the recent changes, such as the death of a voter or the fact that a large part of the Belarusians left the country for economic reasons and cannot take part in the elections, etc. The residents of newly-built houses were often forgotten to be added to the lists.

Observers at polling station No. 11 in Brest-Uskhodniaya electoral district No. 3 registered a case when a woman who had died eight years before was included in the voting list. The elderly widower was outraged by the fact that the late woman was still considered as voter in the district.

The invitations to the elections issued by precinct station commission No. 1 in Orsha town district No. 26 received by a resident of Orsha Hanna Chumayeva included four persons. Two of them had died and were not registered at that address; another voter had had a different last name for several years. The lady's neighbors received an invitation to take part in elections meant for the late Mikhail Astrouski. All of these "dead souls" were on the electoral register at the polling station.

The list of voters also included the name of the imprisoned chairman of the Human Rights Center "Viasna" Ales Bialiatski, who was registered at polling station No. 607 (Kalinouskaya electoral district No. 108). However, according to the Constitution and the Electoral Code of the Republic of Belarus, "citizens, who are deemed incapable by a court or kept in places of confinement in accordance with a court sentence, as well as persons subjected to a measure of restraint in the form of custody, shall not take part in elections."

Vitsebsk election officials failed to include into the voter lists about a thousand residents of the two apartment buildings in Brouka Street, Nos. 37 and 39. The secretary of the commission of polling station No. 44 in Vitsebsk-Chkalauskaya electoral district No. 18 said that these people would be entered in a supplementary list, when they came to vote. The commission of polling station No. 45 of the Vitsebsk-based Kastrychnitskaya electoral district "invented" two houses with voters: houses Nos. 22 and 24 in Chapaev Street were included in the territory of the polling station, despite the fact that they had been demolished half a year before. As a result of complaints of negligent compilation of voter lists, the CEC issued remarks to precinct commissions, and the administrations of Kastrychnitski and Pershamaiski districts had to change the boundaries of the polling stations, joining two buildings to polling station No. 44 in Chkalauski electoral district, and removing the two non-existent houses from the boundaries of polling station No. 45 in Vitsebsk Kastrychnitskaya electoral district.

The instances when precinct election commissions denied observers access to information on the number of voters within a precinct before the end of the vote count and the absence of a unified register of voters created pre-conditions for election fraud, especially if there was a risk of failure to secure the required voter turnout. Meanwhile, manipulation can be two-sided: either reducing the number of voters for the elections to take place, or increasing, if election officials wanted to help a particular candidate receive the required number of votes.

Observers pointed out inconsistent behavior of PEC members and inaccuracies in their work with voters' lists at polling stations Nos. 572, 586, 594 of Uskhodniaya district No. 107 in Minsk, polling station No. 52 of Vitsebsk-Chkalauskaya district No. 18, polling station No. 5 of Hrodna-Tsentrálnaya district No. 50, polling station No. 30 of Hrodna-Zaniomanskaya district No. 49, polling station No. 32 of Hrodna-Paunochnaya district No. 51, polling station No. 70 of Pinsk rural district No. 15, and polling station No. 8 of Maladechna town district No. 72. At those polling stations observers were either denied information without any explanations, given "preliminary data," or told that "the number was changing all the time." Observers failed to check the legitimacy of reasons for changes in the number of voters on the list.

The PECs are responsible for organizing voting at polling stations. Observers registered cases when third persons actively interfered with their work. At polling station No. 571 of Uskhodniaya district No. 107 in Minsk arrangements were made not by the chairperson, but by one of the observers accompanied by several people in plain clothes who had conversations with the chairperson in a separate room. Observers at polling station No. 39 of Vitsebsk-Chkalauskaya district No. 18 registered presence of representatives of local administration and other persons not involved in the process.

Chairman of the commission at polling station No. 54 of Mahiliou-Tsentralnaya electoral district No. 85 was substituted by Aliaksandr Shepeleu, managing director of the "Zenit" plant. He told the observers that it was his commission, his people worked there, and he oversaw the process of voting.

There were instances of harassment of observers and their illegal expulsion from polling stations. 26.8% of the observers stated that the activities of the precinct election commissions were appealed by more than one person at a time.

Piotr Baseika, who had an accreditation of observer, was not allowed observing at the Khotsimsk-based Leninski polling station No. 54 by a unanimous decision of the commission "due to the interference in the activities of the commission."

Observer from the "Fair World" Party Aleh Kastusiou was removed from polling station No. 14 in Zhlobin electoral district, being accused of interfering in the work of the commission. In the morning, when the polling station was opened and first voters came, the observer made a comment to the commission chair Hanna Zhyrkova that the ballot boxes for early voting should not be placed in a visible place but in a separate room. The boxes were taken away, but an hour later the chair read out the decision of the commission about removing the observer from the polling station for "repeated violations, including interference with the work of the commission members and other observers."

Observer Anatol Paplauny was removed from polling station No. 1 in the Homel-based Savetskaya district No. 34. The commission did not like that he wanted to take a photo of the ballot boxes for mobile voting. The observer noted that at that time all the ballot boxes for mobile voting should be at the polling station. Meanwhile, there were two boxes, and the third was missing, which was what the observer tried to document.

Five observers — two representing "Tell the Truth" (Anton Zhylko and Stanislau Ramanovich) and three independent observers — were removed from polling station No. 449 in Kalvaryiskaya district No. 104 in Minsk at the end of the Election Day. Yury Salodki, the "Tell the Truth" coordinator in the electoral district, noted that all the observers worked quite actively, noticed faults in the commission's work, for example, when a person tried to receive a ballot without documents; they also pointed to the shortcomings of the commission during mobile voting. According to him, at about 5 p.m. the polling station was visited by two persons of 30-35 years old, "very similar to police officers in plain clothes." The men showed their identification documents to the commission members and introduced to the others present as observers from "Belaya Rus." After Anton Zhylko asked whether he could charge his laptop, one of the "Belaya Rus representatives" filed a complaint of all the five independent observers, saying that they prevented him from monitoring. As a result, the commission ruled to remove all the independent observers from the polling station.

For the first time in the history of parliamentary elections the Belarusian authorities used so called "carousel voting" — organized groups of people were driven around from one polling station to another, and, not being registered at the stations, received ballots and voted multiple times. Observers reported several instances when voters were brought in buses for organized voting. The BPF observer Siarhei Martsaleu and representative of the Movement "For Freedom" Aryna Lisetskaya recorded facts of "carousel voting" at polling stations Nos. 373 and 374 of the Minsk-based Frunzenskaya district No. 101. Aryna Lisetskaya left the polling station at about 1 p.m. to photograph it, leaving her belongings and never returned. Siarhei Martsalev went to look for her, but also disappeared. After the polls were closed, it turned out that both observers had been detained for several hours in the police department of Frunzenski district.

3. Vote count

Under Article 13 of the Electoral Code, the vote count should be transparent: the observers accredited at the polling station, representatives of the media, candidates running in the electoral district and their proxies have the right to attend the count. Before opening the ballot boxes the PEC counts and announces the number of unused ballot papers.

Opening of ballot boxes and the vote count should be carried out separately: first, the ballots from in the early voting box should be counted, then the ballots that were cast in the mobile boxes

for voting at voter's location, and lastly the ballots from the boxes in the polling stations. The results of each vote count should be announced by the chairperson of the commission.

During elections to the Chamber of Representatives votes were counted for each candidate separately.

On the basis of the ballot papers that were cast in the ballot boxes, the commission should, first separately and then by summing up the data, determine: the total number of electors who have taken part in the voting, including the number of voters who have taken part in the early voting, the number of voters who have voted at their location and the number of voters who have taken part in the voting on the Election Day; the number of votes cast for each candidate and the number of votes cast for none of the candidates (in single-candidate electoral districts — the number of votes cast against the candidate), and the number of ballots found invalid.

After the end of the vote count, the PEC should hold a meeting to determine and enter into the record the results of the vote count, and to consider complaints, appeals, and personal comments by the members of the election commission (in case there are any). The minutes of the meeting of the PECs should also reflect the results of the separate vote count (drafted in one and only copy and submitted to the government bodies that created the commissions — the district executive committees or the district administrations. The voting results record should specify the overall voting outcome only. The record should be drafted in three copies, signed by the chairperson, the secretary of the commission and the members of the PEC. After its signing, a copy of the record on the voting results should be made available to the public. Issuance of an authorized copy of the voting results to an observer is not envisaged by law.

In general, observers were given the opportunity to be present at polling stations during the vote count. However, the majority of observers (73.5%) said that the counting was not transparent, sometimes occurring simultaneously by all PEC members with each member counting only his/her pile of ballots and then passing the numbers to the PEC chair. With such a procedure, neither observers, nor each individual PEC members could know the overall result of vote count at a polling station. In the majority of cases, PEC chairs did not follow the provisions of the special manual of the Central Election Commission, which recommends that the observers be provided an opportunity to observe the counting procedures¹⁵. In addition, observers were not allowed to be close enough to observe the vote count and thus were not able to see the procedure. 5% of observers reported that they did not have a convenient place to monitor the vote counting.

The commission of polling station No. 20 in the Homel-based Tsentralny district No. 33 told the observers they could only monitor the vote count from the hallway. The chairman of the commission said the room was too small and the observers might interfere with the commission's work, and ruled to allow observation of the counting of votes through the open door. The observers from polling station No. 4 in Homel Tsentralny district No. 33 had to monitor the vote count 11 meters away from the table, after the commission prohibited to approach the election officials.

During the counting of votes at polling station No. 18 in Mazyr, the observers were asked to move 5 meters away from the table with the ballots, due to which observer Yury Tseliapun wade a remark to Ivan Navitski, deputy chairman of the election commission. Ivan Navitski ignored the remark, then Yury Tseliapun took a picture of the commission members with their backs to the observers, preventing any observation of the count. This action of the observer was not overlooked. He was asked to delete the photo, and eventually removed from the polling station by a decision of the commission.

Observers of the "Human Rights Defenders for Free Elections" campaign addressed PEC chairmen with written appeals asking to ensure transparency of the vote count. In particular, they requested that one PEC member would count the votes announcing the will of each voter reflected in a ballot paper and demonstrating the ballot to all members of PEC and observers.

PEC chairpersons responded with virtually identical answers: vote count will be carried out by PEC members under Article 55 of the EC, and the CEC manual for PECs. They pointed out

15 Manual for members of precinct election commissions. Access: <http://www.rec.gov.by/Elections-PP5>.

that commission members had been trained to do the vote count and establish the election results. However, they failed to describe the procedure they had learned during the training sessions.

For example, some 20 human rights defenders of "Viasna" and the Belarusian Helsinki Committee, who worked as independent observers in Hrodna during early voting and on the Election Day, filed applications to the precinct commissions with a proposal to secure an open and transparent vote counting. Similar statements were filed by representatives of the campaign "For Fair Elections." However, all of them received negative responses, and the decisions were made independently by the commission heads. The chair of polling station commission No. 19 of Hrodna-Tsentrlnaya district verbally supported the observers' proposals on counting votes, but changed her mind at the last minute — they received written denials at 7.55 p.m. In a response received by observer Sviatlana Rudkouskaya, Liudmila Miachyna, chair of the commission at polling station No. 43 of Hrodna rural district, among other things wrote that "the counting procedures and the establishment of the vote results was worked with the commission members during the training."

A good illustration of this is M. Sidoryk's, chairman of PEC No. 287 of Paudniova-Zakhodniaya district No. 99 in Minsk, response to BHC observer Vasil Sankovich. In response to the observer's request to ensure transparency of the vote count procedure, he said, "Having considered your appeal, I inform you that due to the fact that the Electoral Code does not describe the counting procedure, precinct election commission No. 287 of Paudniova-Zakhodniaya district No. 99 will carry out the vote count procedure in accordance with the laws of the Republic of Belarus and in a form convenient for members of the commission."

In some cases, denials to secure open vote count contained absurd motivation, for example, that the ability to see the mark of the voter on the ballot could allow the observer "receive information, knowledge of which is not provided by the Electoral Code" (chairman of the precinct election commission No. 18 in Salihorsk town electoral district No. 68 Leanid Zavadeukin). Moreover, it turned out that the statements were not considered by the PECs on a collegiate basis. The answers were written personally by the commission chairmen, although it should have been extracts from the minutes of the relevant election commissions.

40.4% of observers reported that PECs failed to announce the results of a separate vote count, and 8.9% said that there had been no separate vote count at all. These facts indicate that almost half of the monitored PECs performed the vote count procedures with violations of the requirements of Article 55 of the EC.

After the vote count many observers pointed out that the proportion of voters who had voted at home was quite high among registered voters in the district, up to 10% or higher in some cases.

In addition, there were cases when the number of voters registered at a polling station was reduced on Election Day.

Reviewing the final PEC records, observers of the "Human Rights Defenders for Free Elections" campaign revealed discrepancies in figures of voters who had cast their votes reflected in the copies of voting results records posted for inspection at PEC offices and their own figures of voter turnout. The difference was reported at 18.8%.

In Minsk, the official number of voters who had voted at 34 monitored polling stations was 30,589 people, while observers reported a turnout of 20,970 people. The difference is 9,619 people (31.4%). However, the observers' figures do not include home voters. This made it impossible to check the real number of people who took part in the election. Taking into account the numerous cases of manipulation during home voting registered by observers, the number of voters who took part in the vote might actually be even smaller. Certainly, these figures cannot be representative of the entire country, but they are evidence of manipulation to increase voter turnout. Manipulation of voter lists (reducing the number of registered voters) had the same purpose.

For example, tabulation in Hrodna underwent serious doctoring by the commissions. At different polling stations from 100 to 500 votes were added to the final records. Such facts were registered by observers at polling stations Nos. 31, 32 of Hrodna-Paunochnaya district, polling stations Nos. 5, 10, 19 of Hrodna Tsentrlnaya district, and polling station No. 30 in Hrodna-Zaniomanskaya district.

At polling station No. 4 of Homel Tsentralnaya district No. 33 the observers' data disagreed with the protocol of the election commission: the observers, who were present at the station all day, counted 360 voters, the commission wrote in the report that the polling station was visited by 507 voters.

An independent observer Valiantsina Shorakh, who, together with other observers, monitored the election process at polling station No. 31 in Brest-Zakhodniaya district No. 1, found a significant difference in the figures for voter turnout. According to her, the official data of the precinct election commission on the number of people who came to vote was overstated by 467 persons in comparison with the calculations of independent observers.

386 overstated votes were registered by observer Vasil Sinitski at polling station No. 31 in Paleskaya district No. 43. According to the list of voters, there were 2,550 registered persons, 850 of them voted early, and 477 on the Election Day, i.e. a total of 1,327 voters. However, the protocol specified a different figure: 1,861 people (including mobile voters). The observers were allowed to monitor the vote count at the polling station at a distance of 10-15 meters.

There were 1,468 people on the voters' list at polling station No. 17 in Lida electoral district No. 54. Observer Leanid Anatska counted every voter who came to the polling station — 850 persons, but the protocol had 1,006 people.

BHC observer Viktor Adzinochanka reported that at 8 p.m. at polling station No. 23 of Homel Tsentralnaya district all the observers claimed the same figure — 218 people who voted on 23 September. However, the final report of the commission said there were 295 votes, the minimum voter turnout to declare the elections as valid.

The observers estimated that on September 23 station No. 52 of Vitsebsk Chkalauski district was visited by 876 voters, but the final report indicated 1,599 persons, i.e. 723 voters more.

Observer of the campaign "For Fair Elections" Vasil Lapatsin, who was present all day at polling station No. 25 in Barysau town district No. 62, said the number of voters was 707, the commission claimed the figure of 770 persons, thus ensuring the turnout of more than 50%.

At polling station No. 15 of Salihorsk town district No. 68, the number of voters who took part in the vote on September 23 was artificially inflated by 401 ballots by the district commission. On this day candidate Viktor Malochka and his agent Aliaksandr Malochka personally attended the polling station as observers and counted the voters.

Observer Viktor Bury was removed from polling station No. 396 of Minsk Zakhodniaya district No. 102 after he attempted to file a complaint to the district commission over mismatch of voters. The observers estimated that 532 voters cast their ballots at the polling station, while the protocol of the commission said there were 566 votes. Thus, the discrepancy in the data was 34 ballots. Viktor Bury tried to file a complaint, for which he was asked to leave the room. When he left the polling station and went into the hall, he was asked to leave the building (school No. 23 of Minsk) accommodating the polling station, otherwise the commission members threatened to press the "button" and call the police. The same school provided premises to polling station No. 397, where observers Viktoriya Buraya and Anastasia Akhobina were also removed after trying to write a complaint. At this polling station, the discrepancy in the number of voter turnout was 157.

Apart from that, there were cases of reductions in the number of voters registered in the polling station reported on the Election Day. Manipulation of voters' lists was also designed to ensure the required voter turnout.

At polling station No. 26 of Hrodna-Zaniomanskaya district, the total number of voters was understated by about 90 people. PEC chairman Siarhei Piatrou explained that many voters were drafted to the army, while many others had left for work or on business trips. On Saturday evening the list of voters at that polling station included 2,262 people, and on Sunday it was reduced to 2,178 voters.

Voter lists were decreased on the Election Day at almost every polling station in Vitsebsk. The commission explained this by the fact that the people either "died," "left for Russia," or "no longer live at that address." Human rights defender Pavel Levinau asked the chair of the commission of polling

station No. 57 in Vitsebsk Chkalauskaya district, where he was accredited as an observer, where the voters were gone. The chairman said, "They are dead."

Tatsiana Yarota, chair of the DEC of Salihorsk rural electoral district No. 69, told observer Uladzimir Shyla 12% of voters at polling station No. 76 were lost due to "updating of information." Her response suggested that the initial number of voters at the polling station was 3,094 people. After information was updated on the Election Day, the list of citizens who had the right to participate in the elections was reduced to 2,713 persons. The list decreased by as much as 381 voters, representing 12.3% of the original number. According to Mrs. Yarota, those were non-citizens of the Republic of Belarus, person who had left the country, temporarily changed the place of registration, or died. However, according to Uladzimir Shyla, the lists had been checked three times ahead of the voting. Yet, the commission "updated" them by removing four hundred people for some reason on the last day of the elections, when it became absolutely clear that with such a turnout the elections could not take place. After these manipulations, the secretary of the commission and at the same time schoolmaster Mr. Kashtalian forced the official turnout to 50.3%. Salihorsk District Prosecutor V. Belchyn also regarded the disappearance of voters from the voting list on the Election Day as "updating the voter list by the commission members prior to each round of voting." The Prosecutor's reply to the BHC observers' complaint of mismatch of information with the official figures of the election commission, which exceeded two hundred votes, reported that the observer "was not always present in the polling station, sometimes left the room."

Observers estimated that in some precincts, the voter turnout was 45-47%. In some cases, this caused a nervous reaction from the members of the commissions, and sometimes inappropriate actions of those present at the polls. In particular, at polling station No. 594 of the Minsk-based Uskhodniaya district No. 107 the elections did not take place, with only 32% of voter turnout. According to the observer Ales Lukashevich, there were only 1,150 ballots at the polling station, 317 were issued for voting, 833 were left unused. When these data were included in the final protocol, the paper was grabbed from the hands of the chairman of the commission by an observer of a pro-government organization, who immediately left the room. Other observers started telling the policeman to stop her, and the commission members to do something. However, neither the chairman nor the secretary of the commission, or even the policeman tried to do it, but prevented the observers from catching the woman. Soon, the chairman, the secretary and the policeman also left the building, which housed the commission, and the remaining commission members began collecting furniture, as if nothing unusual had happened. There were 12 observers at polling station No. 594, including two international ones representing the OSCE ODIHR mission. They were also surprised at the incident, asking the representatives of the commission what had happened to the final protocol.

Observers repeatedly addressed the prosecuting authorities and the CEC with requests to examine the situation in conjunction with the discrepancies between the official and the observers' figures of voter turnout.

In particular, Alina Skrabunova addressed the CEC with the request not to recognize the voting results at polling station No. 48 of Shklou district No. 90. In her response, Lidziya Yarmoshyna said that according to the Electoral Code, the election results, including their validity, were established at the level of a district, and not at the level of a polling station. In addition, she pointed out that the visual count of voter turnout did not lead to any legal consequences, since under paragraphs 5 and 6, Article 55 of the EC, the number of voters who received ballots is specified in the list of voters, and the number of voters who participated in the vote is established by the number of ballot papers found in the ballot box. Alina Skrabunova indicated that the ballot boxes for different types of voting had not been counted separately. However, the CEC claimed that could indicate an abuse of procedure and not the voters' will. Thus, visual counting of votes has no legal value, because such a procedure is not envisaged by the electoral legislation.

4. Establishment of the election results

Just as in previous elections, tabulation of voting results on the district level remained closed to observers. The observers registered with the DEC were not always able to observe the DEC receiving

records of voting results and processed ballot papers. 77% could not look through the records received from the PECs while 22% could. DEC and the CEC made oral and written references to Article 82 of the EC, which says that the election results are established at DEC meetings, entered in the records signed by DEC chairman, deputy chairman, secretary and DEC members, and immediately sent to the CEC.

Under Article 13 of EC observers are entitled to attend meetings of relevant commissions and look through the records. According to the official position of the CEC, observers are entitled to attend only the meetings, at which the DEC confirms the results of the election in a district.

In some cases, the requirements of the observers to be present in the submission of protocols of the district election commissions caused negative reactions of the DECs. In particular, in the afternoon of September 23, BHC observer in Vitsebsk Kastychnitskaya district commission No. 20 Anatol Rodzik applied for attending the submission of protocols of the precinct election commissions. Chairman of the commission Mr. Kaniavalau dismissed the request, first verbally and then in writing. Mr. Kaniavalau said that Belarusian observers had the right only to attend the meetings of the commission, while foreign observers could be present in the submission of protocols. At that very moment the DEC was visited by an OSCE observer, who was told of the incident by Anatol Rodzik. The international observer said that he had the Electoral Code, specifically translated into English, and it said that all the observers had equal rights. The chairman said, "It's wrong. We operate not only by the Code, but also by Rulings of the CEC, and the CEC prohibits Belarusian observers to be present during the procedure." The attempt to clarify understanding of the provisions of the Belarusian electoral legislation in the presence of an international observer exacerbated the situation, and Anatol Rodzik was later forcibly pushed out of the room occupied by the DEC in Kastychnitski district administration.

Observer Eduard Balanchuk accredited in the DEC of Maladchna town district, who wished to watch the transfer of protocols to the district commission, was removed from the room by the chairman of the district commission, saying it wasn't a meeting the observer has the right to attend. This happened in front of international observers.

The meetings to approve the election results within the electoral district, as a rule, take place on the fifth day after the elections. Due to this interpretation of the EC by the election organizers, observers could not observe the procedure when DECs received ballot papers and vote count records from PECs and tabulated and established the voting results in a district in-between the meetings.

There were documented cases when the meetings themselves were closed for observers. In particular, Masty district commission in electoral district No. 56 held a secret meeting to approve the results of voting within the district. When in the morning of September 24 independent observer of the campaign "Human Rights Defenders for Free Elections" Aleh Ramashkevich came into the building occupied by the commission he was informed that the meeting had taken place the previous evening. In fact, if it really took place, it could only happen at night. The officials also refused to issue a copy of the protocol, advising to see the results of the elections in the newspaper a few days later. A similar situation was reported in the DEC of Hrodna rural district. When observer Sviatlana Rudkouskaya arrived at the premises of the DEC in the morning of September 24, it appeared that the final meeting had already taken place, and the members of the commission were reportedly celebrating the end of the campaign in a separate room. The chairman of the commission was out, and the secretary did not allow the observer to see the final protocol on the grounds that she reportedly did not possess it at the moment.

Under Article 55 of the EC and the CEC manual for PECs, copies of the records of voting results, as well as minutes of PEC meetings, reflecting the results of the separate vote count should be passed to the bodies that formed the commissions (executive committees and district administrations in cities). As the EC does not directly regulate that observers are entitled to see these papers, observers had no access to them. Due to this, the election regulation stipulating for mandatory posting of results from a separate vote count was not carried out to its full potential.

DECs receive records and ballot papers from PECs in the buildings of the local executive authorities. During the entire election process Baranavichy-Zakhodniaya DEC No. 5 was located

at 79 Savetskaya Street, office 100. However, on 23 September it moved to the building of the city executive committee together with DEC No. 6.

Homel-Yubileynaya DEC No. 31 received records of the voting results not at its regular location at 34 Kirava Street, but in the building of Chyhunachny district administration of Homel. As a rule, police officers guarded the entrances to the buildings of local executive committees and did not allow observers to enter the buildings.

These circumstances indicate serious violations of the principle of independence of election commissions from local executive authorities and provide opportunities for the executive "vertical" control of election commissions.

Observation of the vote count and the establishment of the voting results in the elections of 2012 once again clearly identified the main areas of challenge in the current electoral law: lack of detailed procedures of direct counting of ballots by PECs, lack of data on the results of the separate vote count in the record of voting results and the unavailability of this information to observers, unavailability of voter lists for examination, unfulfilled EC requirement to hand out certified copies of records of voting results to observers, and the prohibition of observers registered at DEC to attend DEC sessions at which they receive the records and ballots from PEC and establish voting results in a electoral district.

These systemic problems of electoral legislation create wide opportunities for manipulation with election results and voter turnout, making the process of vote counting and establishing the voting results non-transparent and closed for observation. This contradicts the fundamental principles of free and democratic elections and seriously undermines the credibility of the election results and the electoral process as a whole.

According to the Central Election Commission, 7,030,430 voters were included in the lists of citizens eligible to take part in the elections; 5,245,459 voters took part in the election, or 74.61% of the total number of voters on voter lists.

Elections were recognized valid in all districts. 109 MPs were elected in the first round. The candidate who ran in Homel-Navabelitskaya district No. 36 (which was a single-candidate district), failed to collect the required number of votes; repeated election was announced to be held there.

However, the actual results of the will of the voters could not be determined due to the fact that the tabulation was not transparent and manipulation of ballots and figures could occur at all stages of the voting and counting of votes and overlapped one another. This means that the figures announced by the DEC and the CEC could be confirmed, and as a result they are not credible.

On September 23, 2012, two international observation missions: ODIHR/OSCE mission and the mission of the Parliamentary Assembly of the OSCE, as well as observer groups of the CIS Inter-Parliamentary Assembly presented their preliminary conclusions on the results of the observation.

In particular, the OSCE mission pointed out in preliminary conclusions that "Observers were not given a meaningful opportunity to observe the count and evaluated the process negatively in a significant number of polling stations observed. The continued lack of properly delineated counting procedures meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed."¹⁶

The mission of the CIS Inter-parliamentary Assembly stated that the organization and conduct of the parliamentary elections "met the general democratic principles of free and fair elections, described in the Constitution and the electoral laws of the Republic of Belarus."¹⁷ At the same time, the CIS mission stated that "inaccuracy in the wording of some provisions in the Electoral Code opens possibility for different interpretations of a number of legislative norms."¹⁸

16 <http://www.osce.org/odihr/93975>

17 Conclusions of the Observation Group of the Inter-Parliamentary Assembly of Member States of the Commonwealth of the Independent States about the election to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation. http://rec.gov.by/sites/default/files/pdf/Elections-PPNSS-Obs_ItoG1.pdf.

18 Ibid.

Election Observation

According to the CEC, 762 international observers were accredited in the elections. International observation in Belarus was traditionally represented by the CIS Observation Mission (347 observers, 29 of which — from the Inter-Parliamentary Assembly of the CIS Member States), the OSCE/ODIHR international mission (261 observers), the OSCE Parliamentary Assembly (74 observers), one observer representing the Inter-Parliamentary Assembly of the Eurasian Economic Community, two observers each were deployed by the Central Election Commissions of Azerbaijan, Armenia, Kazakhstan and Latvia, 3 observers — from the Central Election Commission of the Russian Federation and one of the Central Election Commission of Moldova. 23 independent foreign observers and 44 representatives of the diplomatic corps were also accredited as international observers.

National observation was carried out by 30,304 observers, 5 of which were accredited in the CEC, 528 — in the DECes and 29,774 — in the precinct election commissions. 1,280 observers were nominated by citizens' applications, 3,305 — by work collectives, 3,586 — by political parties, and 22,125 — by public associations.

Among the positive changes that were introduced in the procedures regulating the activities of observers one should note the granting the right to nominate observers to all polling stations to the governing bodies of political parties and public associations, regardless of their organizational structures, as provided by the decision of the Central Election Committee of 19 June, 2012. During the pre-election campaign this matter caused some controversy and misunderstanding, which required additional individual settlement.

Traditionally, the majority of the national observers nominated by public associations were representatives of the five major pro-government organizations, "Belaya Rus," the Belarusian Republican Youth Union (BRSM), Belarusian Women's Union, the Belarusian Association of Veterans and the Federation of Trade Unions of Belarus.

Besides the campaign "Human Rights Defenders for Free Elections," nation-wide independent observation was carried out by the campaign "For Fair Elections," which can be regarded as a monitoring coalition of the opposition political parties and movements, as well as the participants of the project "Election Observation: Theory and Practice."

The campaign "For Fair Elections" was initiated by 13 political parties and public organizations, including the main opposition political parties. A separate observation campaign "People's Control — For Fair Elections," previously announced by the "Green" Party, the Party of the Belarusian Popular Front and the Movement "For Freedom," was later merged with the campaign "For Fair Elections." On the eve of the elections, the campaign tried to register as a public association, but faced a refusal of registration by the Ministry of Justice.

The project "Election Observation: Theory and Practice" is an initiative of the organization Belarus Watch implemented in partnership with the European Humanities University and the Belarusian Human Rights House. During early voting and on the Election Day 70 project participants observed at 59 polling stations of 35 electoral districts, joining the campaign "Human Rights Defenders for Free Elections." Four representatives of the project also took part in the human rights defenders' long-term observation campaign as interns.

<i>Name of organization (campaign)</i>	<i>Number of long-term observers</i>	<i>Number of short-term observers</i>
Human Rights Defenders for Free Elections	98 (observation in 106 districts)	350 (observation at 188 polling stations)
For Fair Elections	0	1,555 (observation at 777 polling stations)
Belaya Rus *	94	5,107
BRSM*	63	4,575
Belarusian Women's Union *	36	1,912
Federation of Trade Unions of Belarus *	38	4,086
Belarusian Association of Veterans *	35	3,408

Despite the high representation of observers nominated by pro-government associations and political parties and declarations on monitoring the elections to the Chamber of Representatives of the fifth convocation, the results of their work have not yet been reported to society. It was also registered that during the entire election campaign members of these associations were not actually engaged in election observation, in the vast majority were not present at the meetings of the DEC's and the polling stations during the early voting, appearing (although not everywhere) in the voting room on the Election Day only.

In particular, according to the CEC, the district and precinct election commission of Homel region registered 89 international and 5,807 national observers, respectively. However, for example, Mazyr human rights defender Uladzimir Tseliapun, an observer at polling station No. 18 (electoral district No. 42), did not see any of the registered observers from the pro-government organizations in the five days of observation of early voting. During the period, the polling station was not visited by Aksana Kavaliouva, observer of "Belaya Rus," or Siarhei Navumenka, observers from the CPB, and others.

Many observers of the Belarusian Republican Youth Union, "Belaya Rus," Veterans' Association and others, who were registered at the polling stations of Pinsk, ignored their responsibilities even on the Election Day. They were simply absent from most polling stations, where tables remained empty with the notice "Observers" on them.

At the same time, during the election observation activists of the campaign "Human Rights Defenders for Free Elections" faced pressure from the authorities, denials of access to information from the election commissions, removals from the polling stations (which is reflected in the sections on the separate stages of the election campaign), detentions, administrative prosecution, and other methods of harassment. This marked the 2012 election campaign as a setback as compared to elections of 2008 and 2010.

In particular, on August 2 employees of Vitsebsk road police stopped the car transporting the logo products of the campaign "Human Rights Defenders for Free Elections." The driver was taken to the police station in Rasony, where the materials, including stationery, bags, T-shirts with the campaign's logo, were seized by the police department chief Aliaksandr Yastrebau "for the purpose of inspection." The products had been prepared for the long-term observers, journalists, and the campaign's lawyers.

On September 11, Judge Aksana Ratnikova of Mahiliou Leninski District Court ruled in the case of Yury Novikau, coordinator of the independent monitoring campaign "For Fair Elections 2012" in Mahiliou region. The judge found Yury Novikau guilty of disseminating mass media, namely observers' notebooks, brochures and newsletters. The verdict argued that all of the products fell under the media law and had to be destroyed. Yury Novikau's car was stopped by the traffic police at 8 p.m. on August 23 outside the central railway station, the driver was ordered to drive to Leninski district police station, where the car was searched by policemen. In the trunk they found "Guidelines for Observers" in the amount of 293 copies, the same number of "Observers' Workbooks," as well as 905 copies of the newsletter "For Fair Elections." Under the decision of the district court, all products had to be destroyed.

Baranavichy human rights defender and observer Siarhei Housha faced trumped-up administrative charges under Art. 17.1 of the Administrative Code ("disorderly conduct"). Based on the statement by the chair of the DEC of Baranavichy-Zakhodniaya electoral district No. 5 Tatsiana Latyshava, Siarhei Housha was accused of insulting the chair and members of the commission. Exculpatory evidence presented by the observer (a voice recording of the DEC's meeting), were not taken into account by police officers and the court, who sentenced S. Housha on August 28 to a fine of 15 basic units. Ahead of the charges and the court ruling, the Baranavichy state-owned regional newspaper "Nash Krai" named Siarhei Housha a "rowdy" (issue No. 85 of August 2). Journalist Mikhail Shubich in his article entitled "Disorderly conduct" assessed the events, misinterpreting the facts. In conclusion, the author reported that the case had reached the court, which was expected to give a legal assessment of the incident. This article was published on August 2 in the morning and in the afternoon of the same day police captain Mikalai Kudrautsau summoned human rights defender Siarhei Housha to

Baranavichy police department, where he was charged with an administrative offense. The situation confirms that the charges brought against the human rights defender were contributed to by members of the DEC, the police and the court with the information support from the government newspaper aimed at discrediting the observer.

In late August, observer in Yaseninskaya electoral district No. of 100 Minsk Valiantsina Sviatskaya received a letter from the Ministry of Justice, inquiring about the documentation of a non-existent organization, public association "Belarusian Fund *Cassiopeia*," previously chaired by Mrs. Sviatskaya. The organization was dissolved nine years ago. But during each parliamentary campaign officials keep demanding reports from the closed NGO. Valiantsina Sviatskaya regarded such measures as the pressure on her as an observer.

Andrei Lishyk, member of the BPF in Slonim, who was an observer at Savetski polling station No. 18 in Slonim electoral district, was visited by the KGB on September 19. According to the observer, two men came to his room in the dormitory, showed their KGB IDs and told him not be involved in the election observation. "If you're going to continue to be engaged in monitoring the elections, then you will not find a job, not only in Slonim, but on a lousy farm, either," said the KGB agents.

On the eve of the Election Day, Veranika Baikova, secretary of the DEC of Mazyr district, told the observers Sviatlana Shulha (BHC, polling station No. 35, sports center "Mazyrsol") and Shkrobat and Bialko ("Fair World," polling station No. 32, medical college) not to come to the station on the Election Day, September 23. Otherwise, they would be removed by the police and have the arrest shot with a video camera. The reaction by the DEC secretary was caused by the fact that the local PECs were not fulfilling the plan (probably appointed) for voter turnout in the early voting, which was announced in a video on the TV channel "Mazyr" (<http://tkm.by/>) Of the expected 30% only 15% voted early. The failure of the plan was blamed by the DEC secretary on the vigilance of the observers.

On September 24, the day after the Election Day, 15 independent observers of the project "Election Observation: Theory and Practice" were detained in the hostel "Jazz" in Minsk. The observers were taken to Tsentralny district police department together with all the residents and the staff of the hostel, where they were fingerprinted and searched. The police took the phones and laptops from some of the detainees. The observers and the hostel staff were released three hours after the detention without any explanation. Tsentralny district department of the Investigative Committee of Minsk, in response to a complaint by the detained observers, said that the detention was due to an anonymous phone call about a terrorist threat. "At 10 o'clock, the police service on duty received a phone call from an anonymous person, who explained that the hostel "Jazz" accommodated a group of Caucasians staying there without registration. The person also explained that they probably were involved in terrorist activities. Due to the fact that the Interior Ministry earlier received information that a group of criminals, natives of the Republic of Kazakhstan, might be hiding in Belarus and plotting a terrorist attack, the police officer on duty reported the message to the police department of Minsk city executive committee. The police chiefs decided to detain the persons staying in the hostel "Jazz" in order to establish their identity, using dactylographic and video registration." The Investigative Committee refused to open a criminal case for illegal detention of the observers, referring to the absence of a crime in the actions of law enforcement officials. Meanwhile, the detainees point to the fact that the investigator was not able to explain why they were kept standing for two hours against the corridor walls at the police station, and why laptops and phones were taken from some of the detainees.

The observers also faced politically motivated dismissals from work for involvement in the election observation. In particular, in early October, a mechanic of the district water supply service of Ivatsevichy Stanislau Khaladovich, who was an observer during the parliamentary elections, received a notice saying that his employment contract would not be extended after 7 November. Meanwhile, the department lacks as much as 40 employees. According to Khaladovich, he had no reprimands at work, and in 2009 he was even awarded a certificate for excellent work. Stanislau Khaladovich believes his dismissal is politically motivated, saying that the wave of discontent of his employer was caused by the parliamentary elections, when he was an observer at polling station No. 6 in electoral district No. 11, headed by managing director of the water supply service Uladzimir Burda. The polling station produced the lowest voter turnout in the district.

The Central Election Commission ruled, in accordance with the Resolution¹⁹, that for the first time in national elections political parties and non-governmental associations could only send observers to polling stations operating on the territory of the Republic of Belarus. As a result, observers of the HRDFE campaign were denied an opportunity to work at the polling stations in the diplomatic and consular missions of Belarus to Ukraine, Poland, Germany, Russia, China, France and other countries.

Such limitations were not observed during the presidential elections in 2010. These provisions of the resolution violate the principles of openness and transparency in the electoral process and contradict Article 13 of the Electoral Code, which stipulates the rights of observers. The Central Election Commission overstepped its authority and, in fact, changed the provisions of the electoral legislation. This was done in order not only to limit domestic observers' rights to observe the elections at the polling stations abroad, but also to constrain opposition candidates' abilities to use the campaign as an opportunity to advocate for a boycott of the election.

¹⁹ Resolution 21 of 19.06.2012 "About ratification of the order of activity of foreign (international) observers in the course of preparation and conduct of elections to the Chamber of Representatives of the National Assembly of Belarus of the fifth convocation."

Complaints and Appeals

According to the electoral law, the decisions of election commissions and other activities related to the elections can be appealed to a higher election commission and the Prosecutor's Office. The new version of the Electoral Code (December 2010) also emphasized the possibility of judicial review of decisions of bodies that formed the TECs and the PECs. In particular, in accordance with Par. 6, Article 34 of the Electoral Code, decisions of a body that formed the commission may be appealed within three days after it was taken, respectively, in the regional, Minsk city, district, and municipal courts by the entities who nominated their representatives to the commission. The complaint must be signed respectively by the head of a political party (the organizational structure), other public associations (organizational structure), the head of an organization (structural units), citizens who nominated the representative to the commission by application. The court shall consider the appeal within three days, its decision is final.

During the election over 525 complaints and appeals were filed.

1. Complaints relating to the formation of the DEC and the PECs

There were 117 complaints about the decisions of the local executive and administrative bodies on creation of DEC and PECs, indicating ungrounded exclusion of opposition political parties' and public associations' representatives from DEC and PEC membership. None of the complaints were satisfied. Some complaints were not considered because of the missed three-day deadline set up by the Electoral Code.

The courts ignored the arguments of the discriminatory approach by the local executive bodies in the creation of PECs referring to the fact that the procedure of forming election commissions had been carried out without any formal violations. To a greater extent this is grounded in the fact that the Electoral Code lacks criteria for selection of representatives to election commissions.

During court hearings of the appeals, representatives of the bodies that created the commissions claimed that members of the oppositional political parties had not been included in commissions because some of them had criminal or administrative records, while others had been jobless (for instance, see judgment of Kastychnitski court of Mahiliou on appeal of Mahiliou regional organization of BPF "Adradzhennie"). Another reason for non-inclusion in the commissions was formal mistakes or inaccuracies in the nomination documents. Yet, similar inaccuracies made by pro-governmental organizations or by self-nominees were treated differently. For instance, Marharyta Bialiyeva, nominated by a group of citizens, was in the list of members of PEC No. 27 of Babruisk rural district No. 80. There was a remark made in pencil near her name, indicating that some documents would be presented later.

This practice had already been approved by the Central Election Commission during the presidential elections in 2010 as evidenced by the response of the Central Election Commission to the complaint filed by BHC observer Pavel Levinau about violations during the creation of PEC No. 35 of Vitsebsk-Chkalauska district No. 18. In particular, the Central Election Commission stated that "minor inaccuracies in the documents cannot be grounds for invalidating nomination of these persons, as representatives of work collectives and public associations were nominated in a legitimate manner."

A similar conclusion was made by the prosecutor's office of Vitsebsk region in response to Pavel Levinau's complaint about the creation of the DEC of Vitsebsk-Chkalauska district No. 18. Acting Prosecutor of Vitsebsk region, A. Chadziuk, pointed out that "some inaccuracies in filling in documents about the place of voters' residence are not significant and do not affect the validity of the decision." However, experience shows that similar inaccuracies made by independent candidates have always led to sanctions against these candidates.

In general, an analysis of court decisions of the complaints about forming election commissions shows that the courts practically did not consider the disputes about the grounds for inclusion or

non-inclusion of people in election commissions, but limited themselves to exploration of whether formal violations had been made during the creation of election commissions.

This conclusion can also be drawn from the response of the deputy chairman of the Supreme Court of Belarus A. Zabara to a supervisory appeal on one of the decisions on formation of election commissions. In particular, he pointed out that "inclusion of a person in a commission is under the exclusive competence of the bodies forming the commission."

2. Complaints at the stage of registration of initiative groups and signature collection

There were 3 complaints filed at the stage of initiative group registration, one of which was followed by a positive decision. In particular, the Central Commission granted the complaint of Polatsk resident Siarhei Rabtsau whose initiative group was not registered by Polatsk district election commission. The registration of the initiative group of retired Sergey Ryabtsev was denied because of his previous conviction back in 2007 under Article 155 of the Criminal Code "infliction of serious or less serious physical injury by negligence." The CEC decided that this fact did not prevent the registration of Siarhei Rabtsau's initiative group and his nomination as a candidate for the Chamber of Representatives.

The Central Commission dismissed the complaint lodged by the author of the famous performance "MyCopOK" Ivan Amelchanka, who was detained and arrested for 12 days ahead of submitting the application for registration of his initiative group to the district commission. The documents were sent to the district commission by mail, but the commission did not register the group, explaining it by the fact that the applicant failed to appear in person. At a press conference on July 26, the head of the Central Election Commission Lidziya Yarmoshyna explained why the Election Commission did not register the initiative group of Ivan Amelchanka. She told reporters that she saw nothing illogical in the situation, "The law says that the application for registration of the initiative group shall be submitted by the person who intends to be nominated for a candidate or President. During the presidential election, we did not explain anything, but then we set the order that the documents could be submitted in person or by a proxy. Lukashenka's documents were filed by his proxy, who was Aliaksandr Radzkou, head of the initiative group." According to Yarmoshyna, the ban on submitting the application papers by mail was introduced after "a phantom candidate" was running in the 2002 election, who was nominated, filed complaints, but no one ever saw him. "When the commission went to the address of the enterprise that nominated him, there were ruins," said she.

At the signature collection stage 18 complaints were filed (compared with submission of over 50 complaints during the presidential election in 2010). The insignificant number of filed complaints can be explained by the fact that only a few candidates used signature collection, mainly with the purpose to draw attention to their programs. The main actors of the election campaign — the political parties — nominated their representatives by decisions of their governing bodies. Most of the appeals dealt with preventing members of initiative groups from collecting signatures in dormitories.

Other appeals related to the decisions of the local authorities on the definition of places prohibited for collecting signatures. In particular, as a result of an appeal, the decision of Brest city executive committee was changed: separate streets were excluded from the list of banned locations. In some cases, similar complaints were not satisfied. Minsk regional executive committee rejected the appeal against a decision of Slutsk district executive committee. Minsk regional executive committee further adopted a negative decision on the appeal against the decision of Luban executive committee. It should be noted that in the presidential election of 2010 Minsk regional executive committee was one of the few authorities that reviewed the decisions of the lower executive committees in favor of the expansion of allowed campaigning locations.

3. Complaints against denials of candidates' registration

In accordance with Par. 16, Art. 68 of the Electoral Code, the decision of the district election commission to deny registration to a candidate for the Chamber of Representatives may be appealed

to the CEC by the person nominated as a candidate for Parliament within three days from the date of the issuance of the decision. The decision of the Central Commission may be appealed within the same period to the Supreme Court of the Republic of Belarus by the person nominated as a candidate for Parliament. Consideration of appeals against the decisions of the Central Commission to refuse to register a candidate is regulated by Chapter 29 of the Civil Procedure Code of the Republic of Belarus. The Central Commission shall submit to the court the materials that were the reason for the refusal to register a candidate for the Chamber of Representatives. The complainant may submit to the court evidence and other materials. The Supreme Court's decision is final.

57 complaints were submitted to the Central Election Commission about the DEC decisions to deny registration to candidates. Among them, 11 complaints were satisfied. Thus, during the election campaign of 2012 there were less complaints than in the same period in the 2004 parliamentary elections (right of appeal was used by 164 potential candidates), and about the same amount as in 2008 (52 complaints). Among the 11 nominees registered as candidates three are independent candidates, three — representatives of the UCP and "Fair World," one representative of LDP and the BPF, each. Having granted about 20% of the complaints, the Central Commission exceeded the 2008 index, (8 out of 52, or 15%) and did not reach the figure of 2004 (44 of 164, or 26%).

Most of the 11 satisfied complaints related to denials of registration on the basis of invalid data in the submitted declarations. In a number of cases, the DEC refused registration due to failure to declare sums smaller than 20% of annual revenue, which should not be considered as a gross breach according to clarifications by the Central Commission. In such cases, the decisions of the DEC were cancelled by the Central Commission, but the nominees lost a week of the campaign because of the incompetent actions of the DEC.

Most complaints against the DEC's decisions to consider the signatures invalid were not met. The Central Commission's decisions were based on the data from the DEC, including the results of examinations of the data by the Ministry of the Interior, saying the data in the signature sheets were entered by one hand. Written testimonies given by the voters that were presented at the meetings by some of the candidates were not taken into account, e.g. Mikhail Pashkevich was eventually denied registration by the commission of Kupalenskaya electoral district No. 95 in Minsk.

In some cases, the conclusions provided by forensic experts did not conclusively answer the question of whether the data written in the columns "Date" and "Signature" had been entered by one and the same person or by different individuals. However, the Central Commission did not take this into account and dismissed the appeals.

Aliaksandr Solap was nominated as a candidate in Slutsk district No. 67 with the support of the petition of the "Tell the Truth" campaign. Despite the recognition of the fact that the DEC unreasonably denied him registration as a candidate, the Central Commission ruled not to meet Aliaksandr Solap's complaint and confirmed the DEC's decision. The Commission pointed to the cause of such a decision with reference to the citizens' statements, namely repeated convictions of the applicant. However, under the EC, the potential candidate had no obstacles to registration, as his convictions were removed from official records due to the expiration of their term.

19 complaints against CEC decisions in support of DEC decisions of non-registration were filed to the Supreme Court. The Supreme Court ruled to satisfy 1 complaint and registered the applicant (Viktar Tsiareshchanka) as a candidate (Pastavy electoral district No. 29). Two more were not considered due to missing the deadline for the appeal. The remaining 16 were dismissed.

When hearing the complaint of Siarhei Parsiukevich, the Supreme Court cited Part 16 of Article 61 of the Electoral Code, claiming that a person who was not a member of the initiative group did not have the right to fill in the signature forms. This decision contradicts the Ruling of the Central Election Commission establishing that a voter's data can be entered by either a voter or another person at voter's request. In its decision the Supreme Court reveals obvious illegitimacy of the above-mentioned CEC Ruling but abstains from giving any assessment of this fact.

The Supreme Court upheld the decision of the Central Commission to refuse to register Aliaksandr Solap referring to his criminal record. Judge Ihar Milto of the Supreme Court stressed

the lack of provisions relating to the remaining or expunged convictions in the EC. This approach is clearly contrary to the law, as in accordance with Art. 99 of the Criminal Code, the expungement or removing of convictions nullify the legal effects of criminal responsibility. Thus, the court failed to eliminate the discriminatory approach formulated by the Central Commission in its ruling on Aliaksandr Solap's appeal.

4. Complaints at the stage of election campaigning

At the campaigning stage over 113 complaints were filed, which mainly dealt with the following problems: censorship of candidates' programs in mass media, refusal of mass media to air candidates' speeches, prohibition of pickets advocating boycott of the election, and refusals to provide premises for meetings with voters, the impossibility to carry out a full-fledged campaign through public events, use of administrative resources by individual candidates, etc.

Artur Eshbayeu, candidate from the Belarusian Leftist Party "Fair World" in Lahoisk district No. 75, registered by the CEC on August 29, had to appeal to the CEC in order to defend his legitimate right to election campaigning. In addition, 10 days were actually wasted out of 30 days provided for campaigning in connection with appealing the DEC's decision at the Central Commission; however, even after the registration the candidates faced troubles. In particular, the Smaliavichy newspaper "Krai Smaliavitski" refused to publish Artur Eshbayeu's election program, because it had been sent to the editor with a delay, natural under such circumstances. The district commission promised to solve the problem, but actually did nothing. It wasn't until the candidate submitted a new appeal to the CEC, who initiated proceedings, that the CEC promised to solve Arthur Eshbayeu's problem with the publisher.

However, most of the complaints by opposition candidates were rejected. The Central Commission did not meet the complaints by candidate running in Shklou electoral district No. 90 against the actions of his opponent, deputy chairman of the State Control Committee Aliaksandr Aheyau, who used his position to conduct election campaigning.

Ivan Sheha and Mikhail Karatkevich, candidates in Slonim electoral district No. 58, submitted several complaints to the CEC to appeal unequal conditions for campaigning in Zelva district. The candidates faced several disruptions of their meetings with voters on the farm "Synkovichy" in Zelva, the farm "Slavatsichy," in the village of Karalino and other places of Zelva district. Mrs. Yarmoshyna said that "you have been denied premises for meetings with voters, as in violation of the established order you did not apply to the district commission, and your claim to the Central Commission is not based on law, either." In a reply dated September 10, Mrs. Yarmoshyna said that "the definition of places for public events in the district is the responsibility of Zelva district executive committee and the Central Commission cannot give an evaluation of the decision." Meanwhile, Ivan Sheha and Mikhail Karatkevich coordinated all the meetings with voters with the chair of the district commission of Slonim electoral district Alena Machalina, with Zelva district executive committee, as well as with the chairmen of rural councils.

Ivan Shyla, who was an election agent of Salihorsk candidate Viktor Malochka, received a reply from the CEC on his complaint against the decision of the executive committee of Salihorsk "On determining the venues for holding mass events organized by the candidates in Salihorsk district under the notification principle." In his complaint, the representative of the candidate said the officials allowed campaign meetings only on school playgrounds, remote stadiums and in the park "Youth," which greatly limited the opportunities for contacts with the voters. The Central Square, the main streets, the yards and other popular places of Salihorsk were banned for campaign meetings. Chair of the Central Election Commission Lidziya Yarmoshyna took the side of the officials, "In preparing the decision, the local authorities were guided by the fact that public events associate with large gatherings of people. Therefore, the yards do not suit this objective. This can disturb the peace of the citizens living in the houses around the yard, and block the traffic."

The CEC formally responded to a complaint by a candidate in Tsentralnaya district No. 2 of Brest Ihar Maslouski, which dealt with the scope of places approved by the city authorities for organizing

pickets and meetings with voters. In his complaint, Maslouski argued that the city executive committee deliberately suggested sites located in the areas that were rarely visited by people. As an example the former candidate mentioned the picket held by him and his agent on September 14 in an authorized place, the stadium "Lakamatyu." During an hour, the activists of Ihar Maslouski's campaign did not meet a single person. However, the response of the Central Election Commission suggested that "the territory of Brest-Tsentrálnaya electoral district No. 2 has all the conditions for an active election campaign."

5. Complaints at the stage of voting and establishing voting results

200 complaints concerning early voting, voting on the Election Day and the vote count were submitted on the Election Day. The majority of the complaints dealt with the violations of the voting procedures provided by the EC: interference of unauthorized persons in the activities of the PEC, marking the ballot papers by the members of the PEC, issuance of more than one ballot paper to one person, etc. Apart from that, some of the complaints were submitted regarding the obstacles the observers encountered in their observation activities at the polling stations. Complaints were not submitted following each recorded violation. In some cases, the observers of the "Human Rights Defenders for Free Elections" campaign, as well as participants of the election, limited themselves to reporting violations to the media.

31 complaints were filed about violations made during vote count. None were satisfied.

On October 5, the CEC considered two appeals about the election results: the appeal of Uladzimir Siakerka about the election results at Homel-Centralnaya district No. 33, and the appeal of Ihar Sluchak at Homel-Savetskaya district No. 34, and refused to satisfy them. The decisions were not appealed at the Supreme Court, as the law does not provide for such a possibility. In our opinion, this contradicts the constitution of Belarus.

The Central Election Commission did not receive any other complaints.

Just as in the previous campaigns, the prosecuting authorities, who are in charge of monitoring the implementation of legislation in the elections, in fact, avoided investigations and in most cases forwarded the complaints to the election commission.

Analysis of the cases gives reason to conclude that the impact of appeals was very low. All the appeals filed in connection with the facts of violations of election laws were dismissed.

A statement by the observer of the Belarusian Helsinki Committee Uladzimir Krauchanka of legal violations during the vote counting at polling station No. 12 in Mahiliou-Leninskaya electoral district No. 84 sent to the Prosecutor of Mahiliou region was forwarded to the chairman of the district election commission. In this regard it should be noted that the powers of the chairman of the district election commission, although extended to the recognition of the elected Chamber of Representatives' members, do not actually allow applying any significant actions on violations. Just as during the election campaign, the prosecuting authorities, who possess greater authority on violations of electoral legislation, were far from initiating investigations of the facts.

Even more controversial was the decision taken by Pershamaiski District Prosecutor's Office of Vitsebsk at the request of BHC local observer Pavel Levinau to investigate violations of electoral legislation at polling station No. 57 of Chkalauskaya electoral district No. 18. Pershamaiski District Prosecutor Ramanouski ruled to submit the application for review to the chair of the district election commission. However, by the time the powers of the elected MPs had been confirmed and the commission had ceased operations.

Another statement by Pavel Levinau was dismissed by the Office of the Investigative Committee of Vitsebsk region. The report demanded to institute criminal proceedings over distortion of the results of vote counting at polling station No. 58 of Vitsebsk-Chkalauskaya electoral district No. 18. Pavel Levinau reported unaccounted ballots that were received by voters, but not cast in the ballot boxes (these papers were available from the complainant). The ruling was appealed to the Prosecutor of Pershamaiski district of Vitsebsk.

The statement by Natallia Samakhvalava, Belarusian Helsinki Committee observer, demanded criminal prosecution for falsification of documents and incorrect counting of votes by the chairman of precinct commission No. 22 of Mahiliou Kastrychnitskaya electoral district No. 86. The statement noted that the actual number of early voters was two times less than the number of voters specified in the final report. Analyzing the decision not to open a criminal case issued by district inspector of Kastrychnitski police department of Mahiliou Hrabianyuk, it can be concluded that, as in the vast majority of other complaints about violations of the electoral law, the investigation was extremely formal. The investigation only included interviews with the commission chairman and his deputy. Other circumstances were not investigated (the police inspector failed to interview other observers accredited by the district commission, and the citizens, who voted, according to the election commission; written materials were not studied).

Of particular significance is the case of the former candidate in Brest-Zakhodniaya electoral district No. 1 Aliaksandr Melnik, who was trying to bring to justice those responsible for violations of the electoral law at polling station No. 39. Brest city executive committee refused to initiate an administrative proceeding, but after the decision was appealed to the Prosecutor, an administrative case was launched in accordance with Art. 10.26 of the Administrative Code. Then, Brest city executive committee ordered its termination. Aliaksandr Melnik appealed the decision to Leninski District Court of Brest. However, the complaint was not considered on the merits, as, according to the government agencies, Aliaksandr Melnik was not a victim, and therefore, was not entitled to the right of appealing within the administrative process.

There was a case of using the international mechanisms for the protection of violated rights. Chairman of Homel regional branch of the United Civil Party Vasil Paliakou and a UCP member Uladzimir Niapomniashchykh submitted a complaint to the UN Human Rights Committee, after the domestic courts failed to consider their complaints of the facts of the use of political censorship during the election campaign by the state-owned TV Company "Homel." The candidates' speeches, which included appeals to voters not to take part in the elections, were not broadcast on the TV channel. All further appeals to the courts were unsuccessful, as the Belarusian legislation does not provide for the right to appeal to the court in such cases. In their complaint to the UN Human Rights Committee, the former candidates highlighted the violation of their right to freedom of expression, the right to participate in fair elections, the right not to be discriminated on the grounds of political opinion, as well as the right to access to justice, and asked to recommend the government of Belarus to amend its national legislation.

Analyzing the hearings of complaints and appeals filed by participants of the election campaign, we conclude that the procedure for appealing violations of electoral rights remained ineffective and was not met with an effective judicial or administrative remedy. That is why many interested persons did not see the point in appealing violations of the electoral process.

Recommendations

The 2010 amendments to the Electoral Code did not take into account the majority of recommendations made by the OSCE and the Venice commission as a result of monitoring the previous election campaigns, including the parliamentary election of 2008.

The majority of these recommendations are still relevant. This election demonstrated that it is impossible to ensure the compliance of the election procedures with international standards without detailed regulation of the procedures for forming election commissions, voting, and vote count. The election campaign also demonstrated the necessity to ensure real equality of candidates in the area of access to mass media and extension of observers' rights.

Introduction of the suggested recommendations to the electoral legislation of Belarus and their consistent implementation will bring the elections close to the international standards and increase trust in the election results for both the citizens of Belarus and the international community.

1. Election commissions

The Electoral Code should contain a standard that guarantees the presence of representatives of the opposition parties who nominate their candidates in election commissions. It is necessary to ensure that political parties participating in the election campaign have the right to delegate one representative to each of the territorial, district and precinct election commissions. Only in the case when a political party fails to exercise that right, local administrative and executive bodies may fill the vacant places in election commissions under the procedure established by the law. Similarly, the priority right to nominate their representatives to the election commissions should be provided to presidential candidates. These changes would correspond to the priority of political parties in facilitating identification and expression of the political will of the citizens (Par. 1, Article 5 of the Constitution).

In case of competition for membership in election commission, it should be created in its maximum size as set in the Electoral Code. In addition, the law should define the criteria for candidates to the election commissions, which would reduce the possibility of any biased selection and could be assessed by court when considering relevant complaints. When forming election commissions, in case of competition, each candidate should be discussed separately in the presence of independent observers.

2. Candidate registration

It is necessary to rule out the opportunity to use administrative resources in signature collection, in particular, to prohibit signature collection by people who are not members of initiative groups. In addition, observers should have the right to be present at checking signatures in support of candidate nomination. The experience of the election campaign shows that even experts have difficulties in determining who had written the date of a signature in a signature list. Therefore, the requirement that only voters should put a date next to their signature should be removed.

3. Voter lists

A national unified voter register is needed for increasing transparency and accountability of the process of voter registration. It must be placed on the Internet and be available to all interested parties. Citizens and observers, including candidates' proxies, media representatives and international observers should be given full access to the voter lists. Every citizen should have the right to examine voter lists at a polling station before the beginning of the voting. Also, observers should be able to familiarize themselves with lists of voters during the voting. The number of voters registered at a polling station should be announced by the election commission both prior to and at the end of the voting process.

4. Election funding

The results of forming and using candidate election funds demonstrated the necessity to extend the time period for their creation. Persons who intend to run for the president's office, as well as political parties that decided to nominate their candidates, should be allowed to form election funds from the date an election is announced. In case candidates are not registered the funds are to be returned to donors.

It is recommended to remove the upper threshold of the election fund.

5. Election campaigning

The law envisages that the campaigning stage of the election lasts for no more than one month. Such a short period of campaigning limits candidates' chances for their promotion, and citizens' ability to obtain information about candidates and their platforms. We suggest that the duration of the campaign period should be increased by at least another two weeks by reducing the previous stages of the election. Also, entities that place political advertising should be exempt from liability for the content of advertising presented by candidates or political parties.

It is also necessary to return the practice of holding debates on radio and television, and to ban censorship of candidates' speeches and their programs.

6. Appealing election decisions in court

The EC envisages a limited list of grounds for submitting appeals to courts. It is necessary to allow appeals of any decisions of election commissions and other government agencies. In particular this applies to CEC rulings that confirm election results and election results in separate precincts, territories and districts.

7. Early voting

The early voting procedure established in the EC allows the authorities to carry out all sorts of manipulation. We propose that a complete abolition of early voting be considered in favor of a procedure that allows voters to vote at other polling stations.

If early voting is not canceled, we propose that the early voting period be reduced to two days, and criteria be introduced to entitle voters to vote early. Such criteria must be on grounds clearly showing that it is impossible for a voter to vote on Election Day (for example, foreign trips, or long domestic trips, etc.).

The law should also describe in detail the procedures for storage of ballot boxes during the early voting and sealing the room where ballot boxes are kept.

It is necessary to prevent the presence of unauthorized persons, including police officers, in voting premises and rooms where ballot boxes, ballots and other election materials are stored.

Observers should be entitled to be present at voting premises beyond working hours (lunch break, etc.) if commission members remain there.

All PECs should be provided with a solid transparent ballot box with the number of the polling station and with plastic tape for sealing.

8. Mobile voting

We propose that only a written statement about an individual's inability to vote at a polling station, filed with a PEC (no later than the day of voting), should entitle voters to vote at home.

9. Vote count

Vote count procedures are not transparent. One of the main reasons is the lack of details in the description of the procedure of vote count in the EC. The following principles of vote count procedures should be established in the law:

Counting of votes should be done publicly in the presence of observers, giving them the opportunity to see every ballot paper and hear the announcement for whom the vote is cast. Vote count should be done by one commission member who announces the result and shows each ballot to all PEC members and observers.

Counting should be done separately for each ballot box, and the results of such a separate vote count should be reflected in the record of voting results.

Observers and other persons who are legitimately present at a polling station during the vote count should have the right to make audio and video recording of the work of the election commission until the results are announced and the final record is posted for the public.

A copy of the final record, certified by chairman and secretary of precinct commission and stamped, should be issued at the request of an observer.

We propose that observers registered in territorial election commissions and candidates' proxies be allowed to attend and observe the procedures for transfer of ballot papers and reports of voting results from polling stations to territorial commissions. Observers and candidates' proxies should have the right to receive (or produce) copies of summary charts of voting results in a precinct and district, certified by the chairman of a relevant election commission.

10. Election observation

Observers' rights should be extended in order to raise confidence in the institution of elections in Belarus.

Observers should be free to examine the materials for nomination to election commissions, voter lists, as well as storage conditions of ballot papers and ballot boxes during the early voting period.

The vote count procedure should be made more transparent, so that observers could witness that every ballot paper was counted for this or that candidate. It is necessary to determine the right to appeal, also in court, any action that may affect the results of elections, as well as to make a detailed description of appealing procedures and deadlines.

For unambiguous application of the legal provisions on observers' rights, Article 13 of the EC should fix the principle of the theory of law that the list of observers' rights is exemplary, while the list of prohibitions is exhaustive.

Post-Election Events

1. International reactions

On September 24, Antonio Milošoski, Head of the OSCE/ODIHR Election Observation Mission, said that the transparency of elections in Belarus could not be secured properly, since the observers did not have free access to vote count. The previous report by the ODIHR and the OSCE PA stressed that the "elections were not administered in an impartial manner and the complaints and appeals process did not guarantee effective remedy." Apart from that, it noted that "despite some improvements, the legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and international standards."²⁰

On the same day, the parliamentary elections were criticized by Catherine Ashton, the European Union High Representative for Foreign Affairs and Security Policy, and Štefan Füle, European Commissioner for Enlargement and European Neighbourhood Policy. They stressed that the elections "represent yet another missed opportunity to conduct elections in line with international standards in Belarus." Reiterating the ODIHR's assessment, the politicians said that "regrettably the elections took place against the background of an overall climate of repression and intimidation."²¹

Later, European Parliament President Martin Schulz made a statement, saying that he deeply regrets that "parliamentary elections in Belarus have yet again failed to meet international standards of fair and transparent polls." "In this situation the European Parliament will not be able to restore official ties with the Belarusian parliament," said Mr. Schulz²². Similar reactions followed by the U.S. Department of State's press office.

Sergey Lebedev, head of the CIS observation mission, said the elections were "democratic, transparent and open."²³ He also said the flaws revealed at the elections did not affect the final result.

On December 14, the OSCE/ODIHR observation mission released its final report on the parliamentary elections in Belarus.²⁴ The report states that, despite some improvements in the Electoral Code of the Republic of Belarus, many of the OSCE commitments and standards were not met.

2. Statements on the parliamentary elections by head of state and chair of the Central Election Commission

President A. Lukashenka spoke on October 11 at the final joint session of both Chambers of the National Assembly of the 4th convocation. He mentioned several electoral issues, including the possibility of introducing mixed-member proportional voting, with both single-member electoral districts and electoral lists. Aliaksandr Lukashenka welcomed the practice of the mixed election system in other countries, but said that party-list proportional representation could not be efficient enough without authoritative parties and adequate political culture.

The President also said the "Belaya Rus" pro-government public association could sooner or later become a centrist party, but said the transformation should not be forced. Lukashenka's statement shows his reluctance to step up the transformation of "Belaya Rus" into a political party.

Apart from that, President Lukashenka expressed his hope that the new Parliament would start "some kind of modernization of the country's political system," which would "depend on both external conditions and, primarily, on the fact in which foreign policy system and configuration we will exist." However, the President failed to specify what he meant by this modernization and how the new National Assembly was expected to solve the problem. As yet, there have been no specific actions of the President and government agencies to discuss a political reform (modernization).

20 http://naviny.by/rubrics/english/2012/12/15/ic_articles_259_180222

21 <http://belapan.com/archive/2012/09/25/576834/>

22 http://www.europarl.europa.eu/the-president/en/press/press_release_speeches/press_release/2012/2012-september/press_release-2012-september-13.html

23 <http://news.belta.by/en/news/politics?id=698705>

24 <http://www.osce.org/odihr/elections/98148>

At the same session of Parliament, Aliaksandr Lukashenka announced that the opposition's campaign to boycott the elections "failed miserably." According to the President, it "showed the weakness of the opposition, the so-called "fifth column," which does not even want to simulate a struggle for power."

The CEC Head Lidziya Yarmoshyna admitted in an interview with BelaPAN on October 17 the use of administrative resources by government agencies to ensure the necessary voter turnout. She said that the turnout of 74% was achieved by "the Herculean effort to attract voters to polling stations that were taken by local authorities and administrations, especially government agencies and educational institutions."

Lidziya Yarmoshyna also opposed the mixed electoral system, arguing that the "majority electoral districts will be prohibitively large, and the majority system just will not do its job, as the deputy could not reach every voter." On the other hand, she noted that "55 seats for 15 parties is not enough, since the entrance barrier to Parliament will be too high. Accordingly, only one or two major parties can get there." According to her, Belarus should use either majority or proportional electoral system. Moreover, Mrs. Yarmoshyna agreed that party lists would help to form a political party system.

The Chair of the Central Election Commission reported that she presented to the President a set of proposals for amending the electoral law. In particular, she suggests introducing extra opportunities to nominate candidates from public organizations with more than a thousand members; providing an opportunity to form election funds starting from the nomination of a candidate so that the candidate could have legal funds for paying fees to members of the initiative group. Mrs. Yarmoshyna also considers it necessary to remove campaigning for the boycott of the election from the concept of election campaigning. It should be noted that during the 2012 parliamentary elections the Central Election Commission actually did it.

On October 16, Aliaksandr Lukashenka held a press conference for the media of the Russian regions. Among other things, it addressed a number of issues related to the elections. The President again spoke critically of proportional representation, citing the lack of development of the party system in Belarus. He also noted the biased nature of the ODIHR report on the results of the parliamentary elections in Belarus.

On December 3, the Central Election Commission submitted to the President a series of proposals for amending the electoral law. In particular, the Central Commission suggests expanding opportunities for the nomination of candidates for the House of Representatives through the provision of the right to public associations of more than a thousand members; removing from the Electoral Code the provisions dealing with the boycott of elections; increasing the size of personal electoral funds of candidates for Parliament and the presidency; refusal to provide candidates with budget funds for the production of campaign leaflets.

Independent experts believe that the proposals of the Central Election Commission indicate the imitation of reforms, not the real modernization. The necessary changes in the electoral law, which is primarily spoken by independent observers and the opposition, are as follows: to legislate such a procedure of counting votes, in which not only the chairman of the election commission, but at least all members of this committee would know the results of the voting; to guarantee the representation of political parties in election commissions; to ensure the rights of observers to the extent that they actually saw what was written on the ballot; to re-order early voting, so that the voter who is unable to vote on the Election Day, should submit a statement. None of these provisions was mentioned by the Central Election Commission.

3. Social and political background

In general, the election campaign failed to change the human rights situation in the country, the conditions for the political parties and civil society organizations. Persons convicted for political reasons are still in prison; their conditions of imprisonment have not improved.

On October 22, the IISEPS research center announced the results of another survey. The results suggested that the actual voter turnout was 66.4%, while 9.6% of respondents boycotted the elections.

The findings triggered a wave of negative comments from members of the opposition in the independent media, as they completely contradicted the rhetoric of the boycott supporters, as well as demonstrated the inefficiency of their campaign. In addition, the results of the poll witnessed a growth in the number of supporters of independent candidates and candidates from the opposition as compared to the parliamentary elections of 2008.



Passers-by with an information poster about the elections to the Chamber of Representatives as the background.
Hemel, August 3, 2012.

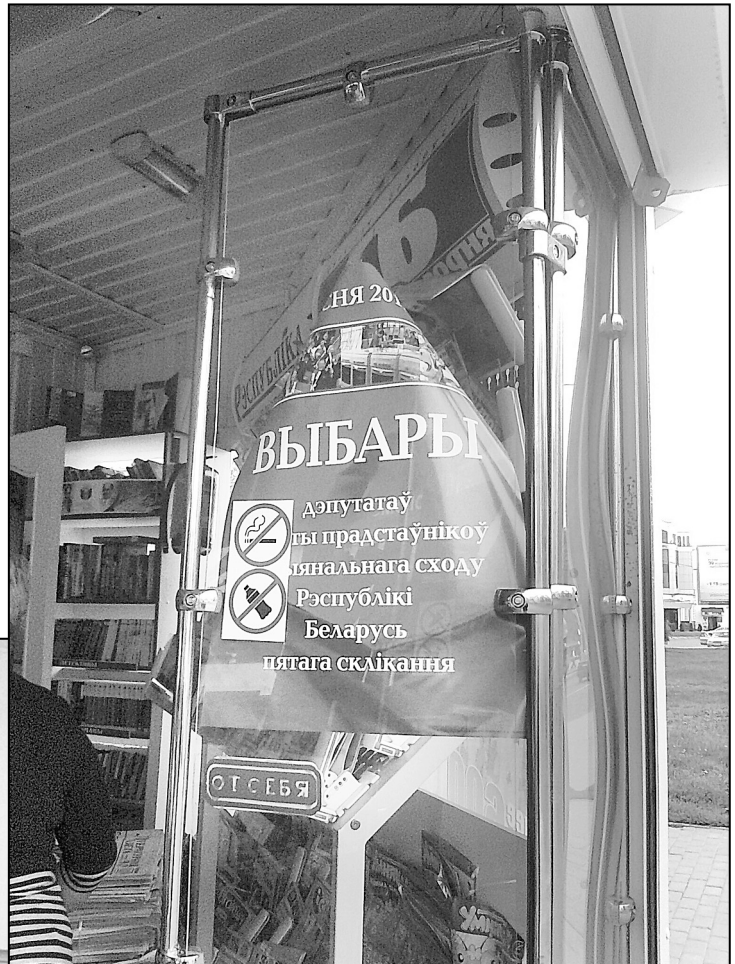
Installation of an information poster about the elections to the Chamber of Representatives.
Hemel, August 3, 2012.



A young member of «Belaya Rus» campaigning for participation in the elections. The plaza in front of Kamarouski market in Minsk, September 22, 2012.



An election advertisement. Pinsk, August 2012.

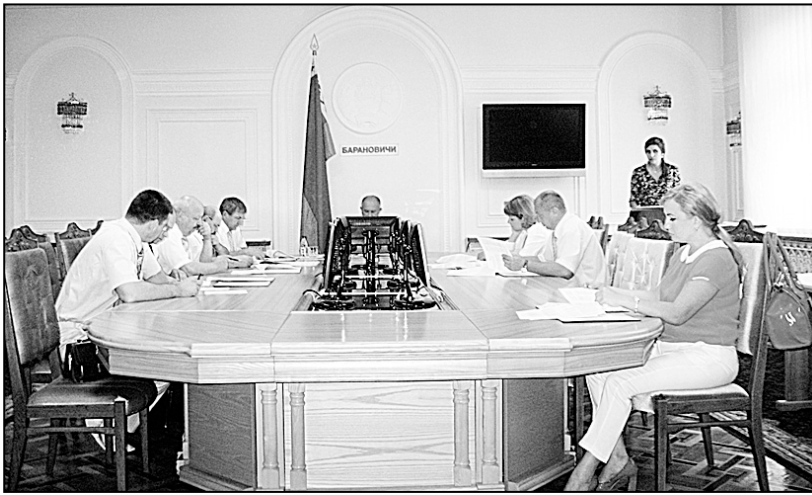


An election advertisement on the doors of a store. Pinsk, August 2012.



A stand with information about the elections outside the store «Handliovy Tsentr» in Svetlahorsk. August 2012.





A meeting of Baranavichy city executive committee on the formation of precinct election commissions.
August 8, 2012.



A meeting of the DEC of Baranavichy-Zakhodniaya electoral district No. 5. *July 23, 2012.*

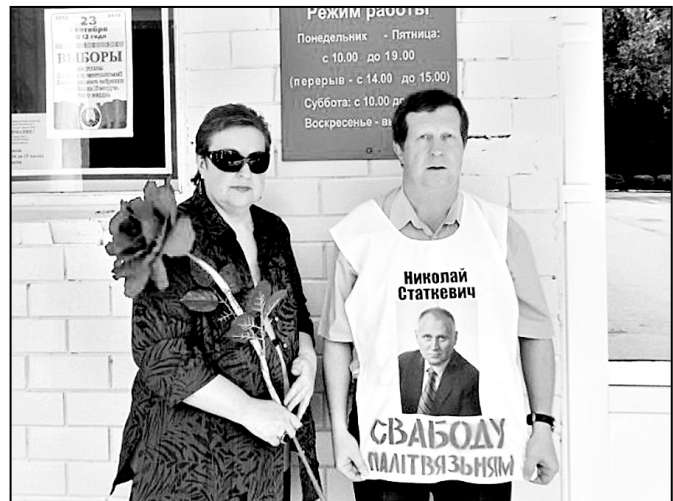


A meeting of the DEC of Mazyr electoral district No. 42 on verifying signatures for the nomination of candidates.
August 2012.



Registration of the initiative group of Siarhei Daineka.
Svetlahorsk, July 13, 2012.

Aliaksei Haurutsikau with an associate before submitting documents for the registration of Mikalai Statkevich's initiative group.
Vitsebsk, July 2012.



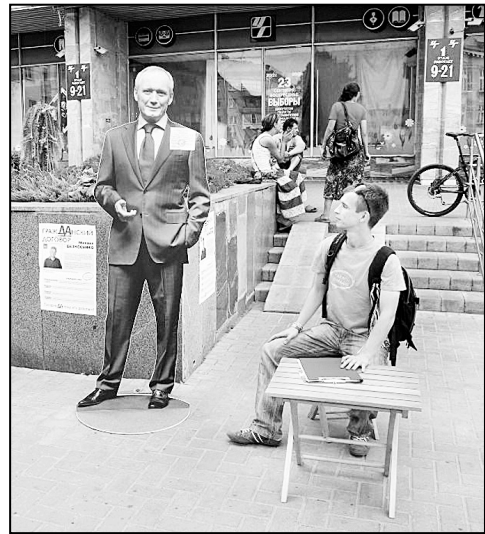
Registration of the initiative group of Siarhei Parsiukevich.
Vitsebsk, July 18, 2012.



A picket to collect signatures for a candidate Mikalai Charnavus.
Baranavichy, July 25, 2012.



A picket to collect signatures in support of the nomination of Ivan Sheha as a candidate.
Slonim, July 21, 2012.

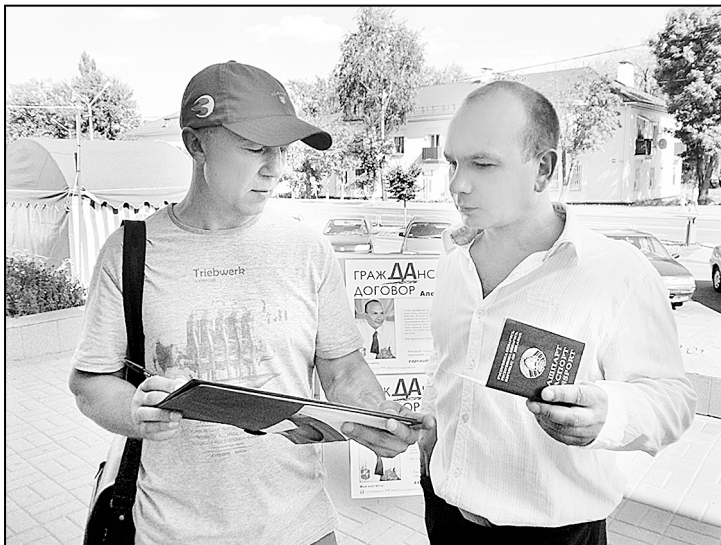


A picket to collect signatures in support of the nomination of Mikhail Biaznosenska as a candidate. *Homel, August 2, 2012.*



Collecting signatures for a candidate Hanna Kanius. *Brest, July 2012.*

A picket to collect signatures in support of Aksana Samuilava.
Babruisk, July 30, 2012.



A potential candidate Aliaksandr Solap collects signatures for his nomination.
Slutsk, July 2012.



A potential candidate for Parliament Valery Rybchanka collects signatures.
Zhlobin, August 2012.

A picket to collect signatures in support of the nomination of Ryhor Hryk as a candidate.
Baranavichy, July 20, 2012.



Ryhor Kryvitski, head of the initiative group for the nomination of Nikadzim Varanovich as a candidate, during a picket to collect signatures.
Mazyr, July 27, 2012.

A picket to collect signatures for the nomination of Mikhail Pashkevich as a candidate.
Minsk, August 4, 2012.



Representatives of the civil campaign "Tell the Truth" and the Movement "For Freedom" during a joint picket to mark the birthday of political prisoner Mikalai Statkevich. The event took place as part of the collection of signatures in support of candidates. Minsk, 12 August 2012.





Members of an initiative group collect signatures for the nomination of Liudmila Kubrakova as a candidate for Parliament.
Minsk, August 2012.



Collecting signatures for the nomination of Zinaida Mandrouskaya as a candidate held under an inverted national flag.
Pinsk, August 6, 2012.



Collecting signatures for acting MP Valiantsina Leanenka.
Minsk, August 4, 2012.



Collecting signatures for the nomination of Ala Sopikava as a candidate.
Slonim, July 28, 2012.



Barys Khamaida calls to boycott the elections.
Vitsebsk, September 3, 2012.



A picket for the boycott of the elections held by Yauhen Hutsalau.
Vitsebsk, September 19, 2012.



An activist of «Zmena» Pavel Vinahradau during a picket to campaign for the boycott of the elections.
Minsk, 17 September 2012.



Calling for the boycott of the elections in Salihorsk.



Flyers for the boycott of the elections. Svislach.



Zelva activists launch 60 paper airplanes with the words "Boycott the elections".



Calls for the boycott of the elections. Biaroza.



A joint picket of UCP and BCD candidates under the slogan “While there are political prisoners – There are no elections.” Minsk, 15 September 2012.



A picket in support of a candidate Dzmitry Shautsou next to the picket “While there are political prisoners – There are no elections.” The candidate together with the UCP press secretary Hanna Krasulina. Minsk, September 15, 2012.



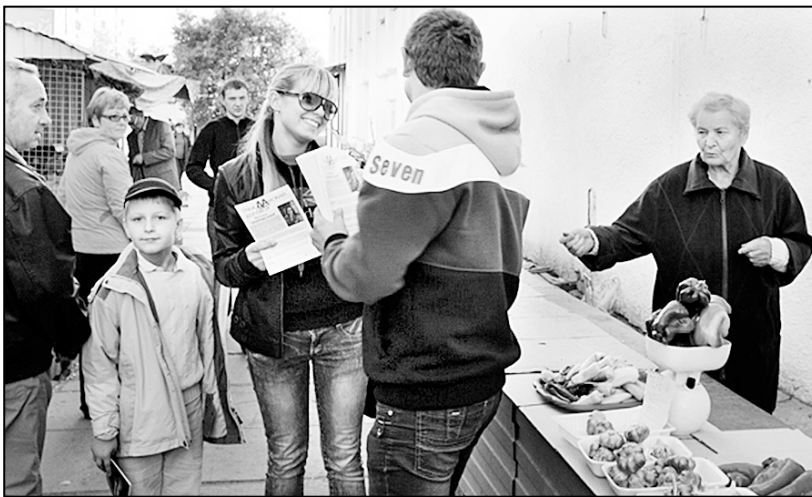
**A picket «For Fair Elections without Lukashenka!» with the participation of the UCP candidates.
Minsk, September 13, 2012.**

**Uladzimir Niakliayeu signs his book during a picket in support of a candidate for Parliament Tatsiana Karatkevich.
Minsk, September 16, 2012.**



A stand with information about political prisoners at a campaign picket of a candidate Tatsiana Karatkevich. Minsk, September 16, 2012.

A candidate Aliaksandr Ramanovich raising the issue of political prisoners at a campaign picket.
Pinsk, September 2012.



Campaigning for a candidate Aksana Zakreuskaya – distribution of leaflets at the local market.
Mahiliou, September 2012.

Yaraslau Bernikovich is not only talking about himself at his campaign pickets – he reminds us that there are still political prisoners in Belarus.
Navapolatsk, September 2012.



A candidate for Parliament Alena Famina campaigns on a hill near a basketball court.
Vitsebsk, September 11, 2012.



Remote and uncomfortable locations for campaigning were selected in many regions.
A candidate for Parliament Valery Karankevich campaigns at the stadium «Sozh» in Krychau.
September 17, 2012.



A candidate for Parliament Ihar Maslouski proves on his own experience the uselessness of campaigning at an approved location of the stadium «Lakamatyu».
Brest, September 2012.



Campaigning for a candidate Ivan Sheha.
Slonim, September 8, 2012.



A campaign picket of a candidate Aliaksandr Kabanau filmed by unknown persons in civilian clothes. *Biarioza, September 2012.*



**A campaign picket of a candidate
Zinaida Mandrouskaya.**
Pinsk, September 9, 2012.

**A campaign event
of a candidate
Vadzim Dzeviatouski.**
Navapolatsk, September 2012.



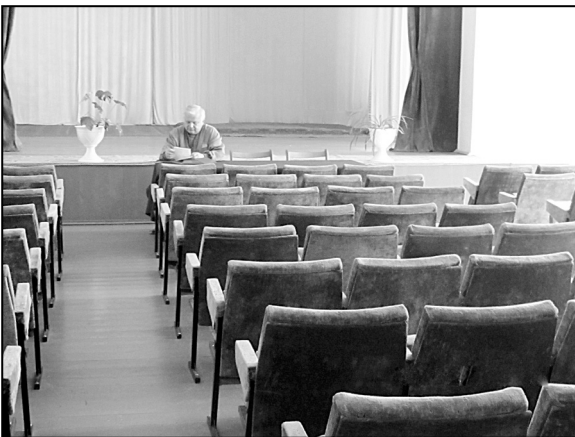
**A campaign picket in support
of a candidate for Parliament
Tatsiana Karatkevich.**
Minsk, September 6, 2012.

**A campaign event in support
of a candidate Viktor Malochka.**
Salihorsk, August 2012.





Some 70 voters attend a meeting with a candidate Viktor Malochka and his proxy Anatol Liabedzka.
Salihorsk, September 5, 2012.



None of the voters turns up for a meeting with candidates Ivan Sheha and Mikhail Karatkevich in a country club of the agricultural complex “Karalino” in Zelva district.
September 4, 2012.



Only 7 voters come to a meeting with a candidate for Parliament Tatsiana Kuzmiankova.
Mahiliou, September 4, 2012.

Forced early voting of the students of Baranavichy State University at polling station No. 19 of electoral district No. 5. Baranavichy, September 18, 2012.



Forced early voting of the students of the pedagogical and engineering faculties of Baranavichy State University at polling station No. 21 of electoral district No. 5. Baranavichy, September 19, 2012.



Conscripts brought in the buses to vote at the Bيارoza-based polling station No. 57 on the first day of early voting.





**The detention of the activists of the youth project
«Election Observation: Theory and Practice»
in the hostel «Jazz.» Minsk, September 24, 2012.**



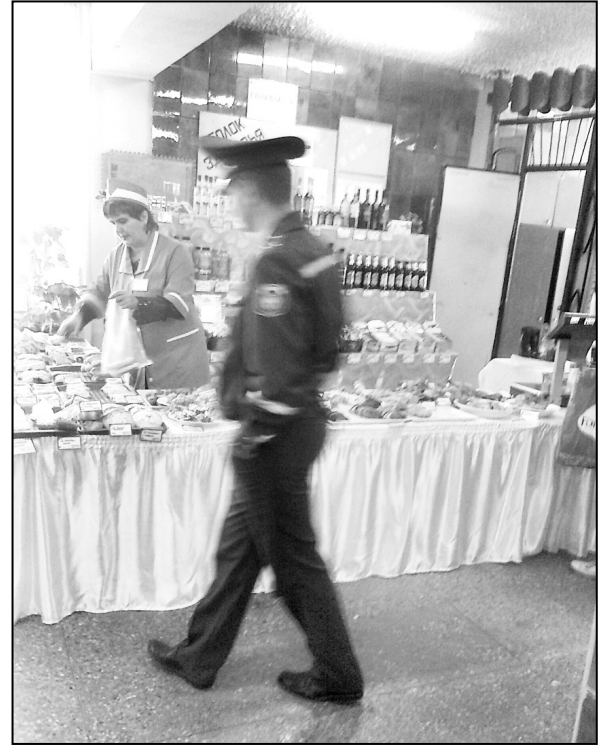
**Many registered observers of the BRSM, «Belaya Rus,» veterans’
organizations, etc. were absent from polling stations on the Election Day.
Pinsk, September 23, 2012.**



**Valery Berazienka was allowed observing the voting procedures from a distance
at polling station No. 45 of electoral district No. 87. Mahiliou.**



The counting of votes at polling station No. 11 in Babruisk. The usual angle of the commissioners for the observers. September 23, 2012.



Voting premises of one of the polling stations in Pinsk: selling products and alcoholic beverages. September 23, 2012.



At a press conference of the Chair of the CEC Lidziya Yarmoshyna. July 26, 2012.

Decision by the DEC of Brest-Pamezhnaya electoral district No. 4 on the denial of registration to Mikalai Statkevich's initiative group

The district election commission
of Brest-Pamezhnaya electoral district No. 4

DECISION No. 3
of 19.07.2012,
Brest

To refuse the registration of the initiative group of citizens to nominate M.V. Statkevich as a candidate for the Chamber of Representatives of the National Assembly of the Republic of Belarus

Having considered the application for registration of the initiative group of citizens in support of the nomination of Mikalai Viktoravich Statkevich as a candidate for the Chamber of Representatives of the National Assembly of the Republic of Belarus (hereinafter - the Chamber of Representatives) in Brest-Pamezhnaya electoral district No. 4 and the list of members of the initiative group, the district election commission notes the following.

According to Article 64 of the Constitution of the Republic of Belarus and the Par. 2, Article 4 of the Electoral Code of the Republic of Belarus, persons kept in places of confinement in accordance with a court sentence shall not take part in elections. In violation of the above requirements of the law, the district election commission received documents for the registration of the initiative group to nominate M.V. Statkevich as a candidate for the Chamber of Representatives, who is currently serving a sentence of imprisonment according to a court verdict in prison No. 4 of the Mahiliou regional Office of the Department of Corrections of the Ministry of Internal Affairs of the Republic of Belarus. This fact is confirmed by the communication No. 5/1766 of the Office of Internal Affairs of Brest regional executive committee of 19.07.2012.

In accordance with Par. 2, Article 65 of the Electoral Code, the registration of an initiative group may be refused in the case of violations of the Electoral Code. Since M.V. Statkevich, serving a sentence of imprisonment, cannot participate in the elections, including in his nomination as a candidate, the district election commission has no legal grounds for the registration of the initiative group.

Considering the above and pursuant to Articles 4, 42 and 65 of the Electoral Code of the Republic of Belarus, the district election commission rules to:

1. Refuse the registration of the initiative group of citizens to collect signatures in support of the nomination of Mikalai Viktoravich Statkevich as a candidate for the Chamber of Representatives in Brest-Pamezhnaya electoral district No. 4.
2. The decision can be appealed within three months from the date of its adoption to the Central Commission for Elections and National Referenda.

Chair of the Commission

N.P. Zaitsava

Secretary of the Commission

M.I. Huleuskaya

**Decision by the Supervisory Council for control over compliance
with the rules and regulations of election campaigning in mass media**

DECISION

**by the Supervisory Council for control over compliance with the rules
and regulations of election campaigning in mass media**

No. 2 of August 27, 2012

Having considered the statement filed by Channel "Belarus 2," "Stalichnaye TV" company and "Mahiliou" TV company about the compliance of speeches of candidates for the Chamber of Representatives of the National Assembly of the Republic of Belarus Nina Kaliada, Artsiom Ahafonau, Viktar Malochka and Matsvei Khatary with the Electoral Code and having conducted the screening of the presented records of television appearances, the Supervisory Council notes that the presented performances cannot be attributed to election campaigning, the concept of which is defined in Article 155 of the Electoral Code of the Republic of Belarus. The law makes it clear that election campaigning is "an activity aiming at stimulating or encouraging voters to participate in elections, vote for certain candidates or against them." The purpose of the presented speeches is campaigning against participation in the elections; meanwhile the candidates refuse to run, virtually nullifying their status of candidates.

Given the fact that the right to give free-of-charge speeches on state television and radio is provided to candidates for election campaigning, as the law does not envisage the use of these opportunities for other purposes, the Supervisory Council believes that the materials do not meet the requirements of the electoral law and cannot be presented as election campaigning materials.

Chair of the Supervisory Council

L.S. Ananich

Secretary of the Supervisory Council

T.V. Bialova

The Coverage of the 2012 Parliamentary Elections in the Belarusian Media (Final Report, 31 July – 16 October, 2012). Belarusian Association of Journalists.

The Belarusian Association of Journalists

The Coverage of the 2012 Parliamentary Elections in the Belarusian Media

Final Report

(31 July – 17 October 2012)

Introduction

During the given time span, the non-governmental organisation Belarusian Association of Journalists (BAJ) monitored the coverage of the parliamentary elections, held on 23 September 2012, in the Belarusian media.

The monitoring aimed to:

- *assess whether the Belarusian media gave an exhaustive and comprehensive coverage of the election process and whether they followed the guidelines of ethics in journalism and the internationally accepted standards in their election coverage;*
- *draw the attention of the journalists' community in the country to the fact that it is a direct duty of the professional media to provide voters with balanced and comprehensive information about the election process, as well as the candidates' and their supporters' political and social agendas and opinions;*
- *analyse how the media influenced the voters' electoral choice.*

The report sums up the findings of the monitoring and presents an overview of assessments that the polling and the whole election process received in the Belarusian media following the voting day and the formal announcement of the election results.

The monitoring covered seventeen Belarusian media, both state-owned and independent, electronic and printed, nationwide and regional.¹ The content analysis was based on both qualitative and quantitative data, *ie* we assessed the manner in which the election actors were presented and the amount of space/air time given to the election coverage in the printed and electronic media, respectively.

Key Findings

The state-owned media covered the elections in their typical low-key manner, *ie* they sometimes gave the elections less coverage than sport and the weather. The Central Election Commission (CEC), instead of candidates or political parties, was presented as the main actor. This fact

¹ **The electronic media** are *Panorama (Panorama)* news program on Belarus 1 TV station; *Nashi Novosti (Our News)* news program on ONT TV station; *V tsentre vnimaniya (In the Focus of Attention)* weekly analytical program on Belarus 1 TV station; *Radyjofakt (Radiofact)* on the 1st Channel of the National Radio; *Naviny Rehijona (Regional News)* on the Homiel Regional TV and Radio Company; *Naviny (News)* on Homiel FM; *Naviny Mahiloŭ (Mahiloŭ News)* on the Mahiloŭ Regional TV and Radio Company; *Naviny (News)* on the Mahiloŭ Regional Radio; **the Internet resources** are www.naviny.by, www.belta.by; and **the printed media** are *The Belarus Segodnia (Belarus Today)*, *The Narodnaja Vola (People's Will)*, *The 7 Dniey (7 days)*, *The Naša Niva (Our Field)*, *The Komsomolskaya Pravda v Belorussii (YCL Truth in Belarus)*, *The Homielskaja Praŭda (Homiel Truth)* and *The Mogilevskaya Pravda (Mahiloŭ Truth)*.

shows that the elections were a matter of only marginal importance to the state-owned media. At the same time, their chief information source was the CEC.

These media presented an all too simplistic picture of the elections, which means that they centred on the coverage of only five actors, namely *the CEC (or constituency commissions), the President, the CIS observers, the OSCE observers* and *a depersonalised candidate*. The state-owned media focused their attention on organisational and technical details of the elections, which became a highly typical feature of their election coverage.

As for the manner in which different election actors were presented, *the OSCE observers*, the role they played and their work were characterised negatively, particularly at the initial stage of monitoring. *The CEC, the president* and *the CIS observers* were presented in the state-owned media in a positive and neutral light.

The presence of oppositional political parties whose members stood for parliament in the state-owned media was about zero. They received negative or highly negative coverage, if any at all. There was not a single instance of giving voice to opposition members, independent experts and political analysts or NGOs. One-sided information, a negative portrayal of the opponents and *the OSCE observers*, manifest denial of the right to rebut, shadowing political parties' and their supporters' opinions, as well as polar extremes in the presentation of *the government* and *the CIS observers*, on the one hand, and *the opposition* and *the OSCE observers*, on the other were characteristic of the election coverage in the state-owned media.

The state-run media did not provide a proper information support to the campaign. Nor did they do anything to help as many voters as possible to get an idea of the candidates' agendas. They did not announce candidates' TV and radio addresses or debates, did not give the candidates' names in the listings or in any way draw the audience's attention to the candidates' political affiliation. In contrast to all the other content, candidates' recorded messages and debates were not presented on the TV and radio stations' websites. This type of election coverage in the state-owned media was intended not only to marginalise the key actors but also effectively to block voters from getting an idea of candidates' programmes and discussing them. Furthermore, the state-run media were able to censor candidates' addresses and debates, as they were pre-recorded instead of going on air live.

In comparison with the state-owned media, their independent counterparts presented a wider picture of the elections. They did not limit themselves to official information, released by *the CEC* and *the government*. In some cases they were critical of these two actors and widely publicised the instances of censorship. At the same time, their manner of presentation was more balanced than that of the state-owned media. However, there was not any meaningful competition in the elections and their outcome was totally predictable. These factors accounted for obvious indifference to election coverage, displayed by the independent media.

The election scenario had not undergone any tangible change, as compared to the previous elections. This produced a situation in which the media were 'tired of the elections'. The symptoms of 'election fatigue syndrome' were present in the election coverage given by both state-run and independent media.

The monitoring findings at the post-election stage came as a surprise. Unlike all the previous elections monitored by BAJ, both state-owned and independent media lost interest in election-related subjects pretty soon after the polling.

The following chapter substantiates and elaborates on what is stated above. The **Conclusions** attempt to conceptualise the changes that have taken place in the election coverage.

Detailed Findings

Further on we are going to rely on both the aggregate data and specific findings made at each of the four monitoring stages.

If we compare two main TV news programmes – *Panorama* on *Belarus 1* and *Novosti* on ONT, they gave the elections more or less equal attention. From 31 July to 21 August election coverage received 7.18% of the air time in the former and 5.68% in the latter. Meanwhile sport was given 17.44% and 19.39% of the air time, respectively, and the weather reports took up 2.76% and 3.36% of the air time. In *Radyjofakt* on the 1st National Radio Channel the weather and sport even prevailed over election-related subjects, receiving 10.32%, 9.41% and 6.81% of the air time, respectively. A similar proportion was also typical of the regional electronic media.

As stated above, the state-run electronic media focused their attention on *the CEC* and its work. CEC representatives were the primary information source on such issues as the establishment of election commissions, initiatives to nominate candidates, candidate nomination, campaigning, etc. The CEC representatives were far from being neutral and impartial. This is, for example, what CEC Secretary Łazavik said, *'I have analysed the nomination to the election commissions at the polling stations in the 49th constituency of Hrodna only. In that constituency the United Civil Party proposed eighteen nominees to the election commissions at the polling stations. When we analysed what sort of people they were, it turned out that ten out of the eighteen had been charged with criminal and administrative offences and nine are out of work. What kind of respect can they enjoy with the voters?... Such types should not be allowed to the election commissions.'* (*Belarus 1, V Tsentre Vnimanija, 12 August, 2012*)

During the same monitoring stage, the state-owned electronic media extensively featured what the President had to say about the opposition: *'If today our... well, they do not deserve to be called the opposition, though there are perhaps some opposition-minded people in their ranks... so if our fifth column and the opposition felt they were going to win, they would never claim that the elections lacked legitimacy. This would automatically mean that their MPs lacked legitimacy. If they do say so, it only shows that they know all too well that in today's conditions they will flop... Whatever tactics they are going to opt for is going to be decided in their dirty games. Please, believe me that their dirty games are all about one thing only – money. It may be little money, because the West no longer gives them big money, but it would be enough to support themselves and pay for the petrol to fill their cars, which, once again, the West helped them buy, and maintain the mansions they built when they promised the West they would rise to power in Belarus. At that time the West gave them a lot of money, so they built their mansions, which now need maintenance. In order to receive at least this portion from the West, they are willing to yell and scream, blow up bombs and shoot. All foul means are good for them – that's their politics... We see the same faces, shabby and scruffy. They went abroad and betrayed their country. And poisoned the people.'* (*Belarus 1, Panorama – 9 August, 2012*)

The role of the OSCE observers looked just as clear: *'You can see that we have invited all these reeves, whether they have already been here or not. Let them take a close look. We know everything they are going to write and we are already receiving their first reports and information coming from them. It's a long way before the elections, but we have already read what they have to say. We made a conscious decision. We know they are going to screw us, no matter how we hold the elections.'* (*Belarus 1, Panorama – 9 August, 2012*)

During the initial monitoring stage, from 31 July to 17 August, the state-run TV stations presented the head of the OSCE PA observer mission in a particularly negative light, *'Matteo Mecacci is a radical Italian politico. In his home country he actually supports the plans to legalise*

prostitution, online paedophilia and soft drugs more than he advocates the freedom of expression. The majority of the Italian society stigmatises Mecacci and his ideas. (ONT, Nashi Novosti, 15 August, 2012)

The second monitoring stage, which lasted from 20 August to 31 August, showed, however, certain new election coverage trends in some state-owned media, namely for the most part neutral presentation of some election actors. It was true, for example, of *Radyjofakt*, *The 7 Days* weekly, and to a certain extent of the regional media. This was especially noticeable when contrasted with *V Tsentre Vnimaniya* weekly analytical program on *Belarus 1* TV station and its ideologically biased coverage of the election actors, as well as against the background of the first monitoring stage, when *the opposition* and *the OSCE observers* received highly negative coverage. Even though the state-run media went on presenting *the opposition* in a negative light, the manner in which *the OSCE observers* were featured changed to chiefly neutral.

At the same time, these media tended to give the election process a rather simplistic coverage by ignoring a lot of political and non-political actors engaged in the run-up to the parliamentary elections. For example, throughout the monitored time span, *Panorama* on *Belarus 1* presented twenty three actors; however, the biggest proportion of the air time was given only to *the CEC* together with constituency and polling stations commissions (nearly 37%), *the CIS observers* (about 11.5%), *the President* (11.1%) and *the OSCE observers* (nearly 8.5%). Of the other actors, *a depersonalised candidate* and *political parties* received just a few per cent, while *the opposition political parties* were given only a few points.

The candidates were entitled to address voters via the state-owned media. They went on air at more favourable time, as compared to the 2008 parliamentary elections, *ie* from 7 pm to 8 pm. (In the run-up to the previous parliamentary elections, candidates' messages were broadcast on TV from 6 pm to 6:30 pm, in Minsk and other big cities – from 5:30 pm to 6:30 pm.) On the radio the candidates also received better time – from 6 pm to 7 pm. However, instead of being broadcast live, the candidates' messages were pre-recorded, which facilitated their censorship.

According to the chairperson of the United Civil Party Anatol Labiedźka, thirty two addresses of the party's candidates did not go on air and papers did not publish eleven candidates' programmes: (http://naviny.by/rubrics/opinion/2012/09/14/ic_articles_410_179201/). The head of CEC Jarmošyna admitted censorship: *'Why have they been banned from air? Because there were calls for a boycott of the elections during these debates.'* (<http://www.svaboda.org/content/article/24704611.html>)

Moreover, the monitored state-owned media failed to announce TV and radio addresses by particular candidates or their debates. They did not give the candidates' names or focus the voters' attention on what parties the candidates represented. These media limited themselves to only giving the number of the constituency and the corresponding date (see, for example: <http://www.tvr.by/rus/raspisanie-debaty.asp>). The TV listings of the stations that were to broadcast the candidates' messages and debates, announced them simply as *'Elections '2012'* rather than *'Parliamentary candidates' addresses'* or *'Debates'*. On top of that, the candidates' messages and debates did not find the way onto the websites of the TV and radio stations.

This type of election coverage went well with the assessment of the parliamentary elections by the head of the CEC Jarmošyna: *'After all, this is not a presidential election, when candidates represent the whole country and certainly voice quite different opinions. In the upcoming elections the main issues to be debated will be of local interest to voters in each particular constituency. That is why perhaps they will be rather low-key.'* (*Belarus 1, Panorama, 23 August 2012*). Thus, the state-owned media covered the elections as a low-key local event rather than a high-profile political process of nationwide importance.

In fact, the purpose of the bleak campaign coverage and the censorship of the candidates' media appearances was to undermine the tension of electoral competition and depoliticise the elections. A highly revealing fact: of the thirteen constituencies in the Mahiloŭ region, only four had candidates who debated on TV and only three constituencies' candidates debated on the radio. The way the parliamentary elections were covered in the state-owned media, they looked devoid of any political contestation, any meaningful competition of political platforms, candidates' visions or a wide range of voters' opinions.

Of the independent media, www.naviny.by offered the most extensive election coverage, presenting thirty four actors all in all. Its presentation of different actors in the election process was free from the disproportionate featuring of *the President* and *the CEC*, characteristic of the state-run media. www.naviny.by also did not depersonalise candidates or any other political actors. It did not give preference to any political parties or NGOs. The printed independent media presented a much narrower picture of the election process than www.naviny.by. Thus, *The Narodnaja Vola* wrote about eighteen election actors. Even so, by the amount of space and the number of contributions on election-related subjects, it was far ahead of the pro-presidential daily *Belarus Segodnya*. The *Naša Niva* weekly did not give the elections much attention.

The above-mentioned independent media outlets may have criticised *the government* and *the CEC*, but they also spoke critically of the opposition and other actors. The *Komsomolskaya Pravda v Belorussii* was an exception, as in its thick edition it presented in an exclusively neutral light information released by the CEC.

As we have said above, after the polling both state-run and independent media soon lost interest in the elections. The evaluation of the elections dealt with such issues as their democratic or non-democratic character, conformity or lack of conformity to the provisions of the Belarusian election legislation and the internationally accepted standards, voter turnout and ballot count. The assessments differed a great deal.

The state-owned media argued that the elections had conformed to all the requirements of the Belarusian legislation: *'The Belarusian elections are held in accordance with the national legislation rather than foreign regulations,' says Jarmošina.* (http://www.belta.by/ru/all_news/politics/Vybory-v-Belarusi-sootvetstvujut-natsionalnomu-zakonodatelstvu-a-ne-zarubezhnoj-vedomstvennoj-instruktsii---Ermoshina_i_609626.html). *'The parliamentary elections in Belarus have been held strictly in conformity with the legislation... This is the conclusion of the CIS observer mission that Sergey Lebedev presented to the head of state.'* (*Radyjafakt, the 1st National Radio Channel, 25 September, 2012*).

The same media cited *the CIS observers* that the elections were democratic and met the international standards: *'The Belarusian parliamentary elections met the internationally accepted standards,' says the CIS observer mission (VIDEO)*

(http://www.belta.by/ru/all_news/politics/Parlamentskie-vybory-v-Belarusi-sootvetstvovali-obshepriznannymi-mirovym-normam---missija-SNG-VIDEO_i_609619.html). *'The Union State Parliamentary Assembly observers acknowledged that Belarus had created all the necessary conditions for fair and transparent elections.'*

(http://www.belta.by/ru/all_news/politics/Nabljudateli-ot-PS-Sojuznogo-gosudarstva-konstatirovali-sozdanie-v-Belarusi-vsex-uslovij-dlja-provedenija-spravedlivyx-i-otkrytyx-vyborov_i_610022.html).

In the run-up to the elections a number of opposition parties had spoken in favour of election boycott. In this connection the voter turnout on the polling day became quite an important issue, accentuated in both independent and state-owned media. Here are some typical news items.

'Heavy polling is recorded in all the regions. The Viciebsk region is in the lead.' *'Thirteen parliamentarians were to be elected in the Mahiloŭ region... About 11 am voters could be seen queuing before the polling booths.'* *'All the districts of the Homiel region showed heavy polling. At many polling stations the voter turnout exceeded 50% before noon.'* *'Although the turnout in Minsk is traditionally not the highest possible, the citizens have performed their public duty in all the constituencies of the capital.'* (Radyjofakt, the 1st National Radio Channel, 24 September, 2012)

The state-owned media also drew attention to a transparent ballot count: *'Igor Borisov: Observers had a possibility to monitor the voice count visually.'* (http://www.belta.by/ru/person/opinions/Igor-Borisov_i_513325.html).

Meanwhile, the state-run media were critical of the OSCE ODIHR findings: *'Jarmošina: A short time before the voting day the OSCE observers were pumped with negative information.'* (http://www.belta.by/ru/all_news/politics/Ermoshina-nezadolgo-do-dnja-golosovanija-nabljudatelej-ot-OBSE-nakachivali-negativom_i_609734.html). The OSCE observer mission was also criticised by the Russian Ministry of Foreign Affairs: *'The Russian Foreign Office criticises the OSCE ODIHR for their politically-motivated approach to the Belarusian parliamentary elections... "Un fortunately," says the commentary, "the dissenting opinion of the OSCE ODIHR, as usual, struck a discordant note. Its preliminary conclusions once again demonstrate a politically-motivated approach..."'* (Belarus Segodnya, 26 September, 2012)

The independent online resource www.naviny.by threw light on what was behind this criticism of the OSCE observer mission, *'The OSCE observers did not see free elections in Belarus'* (http://naviny.by/rubrics/elections/2012/09/24/ic_articles_623_179324/). *'Mecacci says it was impossible to observe the elections in military units due to wrong information'* (http://naviny.by/rubrics/elections/2012/09/27/ic_news_623_402414/).

'The EU: the Belarus elections were held against the background of overall repression' (http://naviny.by/rubrics/elections/2012/09/25/ic_news_623_402199/).

Belarusian observers gave their negative evaluation of the elections, too: *'Hulak: The elections did not conform to either the OSCE standards or the Belarusian legislation'* (http://naviny.by/rubrics/elections/2012/09/24/ic_news_623_402151/). *'For Fair Elections: None of the Mahiloŭ polling stations had a transparent vote count'* (http://naviny.by/rubrics/elections/2012/09/25/ic_news_623_402300/). Moreover, the independent media, in contrast to their state-run counterparts, presented opinions of a very wide range of election actors.

The independent media also published various contributions on the voter turnout. In doing so they pointed at the discrepancies in the numbers of voters that went to the polls: *'The turnout figures recorded by observers and polling commissions on the voting day differ by 173%'* (http://naviny.by/rubrics/elections/2012/09/25/ic_news_623_402200/).

Conclusions

As we compared the media coverage of the parliamentary elections in 2008 and 2012, in one of the interim bulletins we noted that there were no essential changes. However, the monitoring data has revealed some new developments:

- The vertical model of holding elections, which has so far been practiced and in which the state-owned media play a key role, has significantly contributed to the general depoliticisation of the Belarusian society; this has entailed a drop in election participation among not only voters, but also such key actors as candidates and political parties;

- The same model of controlled elections has caused increased voter alienation and probably widened the gap between the current regime and the electorate;
- This model also blocks any meaningful political competition, making the election outcome totally predictable; this is one of the main causes why the election coverage in both state-owned and independent media was bleak and dull;
- Paradoxically enough, the model aimed to depoliticise the society has resulted in a tangibly less fervent smearing campaign against the opponents of the regime, as compared to the 2008 elections;
- Last but not least, the existing model has turned elections into a mere ritual, where most of the participants, if not all of them, are well aware that the elections are devoid of any real meaning. When the media hastily ‘summed up’ the election results and were eager to forget about them the sooner the better, it gave more evidence for a purely ritualistic nature of this performance. The most recent monitoring data of the post-election phase shows that the state-run media are beginning to cite the incumbent, speaking about a need for modernisation of the country’s political system. There is certainly no question of its liberalisation.

Minsk, 16 October, 2012

**Statement on Preliminary Findings and Conclusions.
OSCE ODIHR/OSCE PA International Observation Mission.
Republic of Belarus – Parliamentary Elections, 23 September 2012.**



INTERNATIONAL ELECTION OBSERVATION

Republic of Belarus – Parliamentary Elections, 23 September 2012

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Minsk, 24 September 2012 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA).

Matteo Mecacci (Italy), Head of the OSCE PA Delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. Antonio Milošoski (the former Yugoslav Republic of Macedonia) is the Head of the OSCE/ODIHR Election Observation Mission (EOM), deployed from 22 August 2012.

The assessment was made to determine whether the elections complied with OSCE commitments, as well as with national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, on part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report at its Standing Committee meeting in Tirana on 6 October.

PRELIMINARY CONCLUSIONS

In the 23 September parliamentary elections, many OSCE commitments including citizens' rights to associate, to stand as candidates, and to express themselves freely were not respected, despite some improvements to the electoral law. While there was an increase in the number of candidates put forward by parties, prominent political figures who might have played a role in this contest remained imprisoned or were not eligible to register due to their criminal record. The field of contestants was also constricted by arbitrary administrative actions, leading to a limitation of choice for voters. The elections were not administered in an impartial manner and the complaints and appeals process did not guarantee effective remedy.

While international observers assessed early voting and election day voting procedures positively, the process deteriorated considerably during the count. Observers were not given a meaningful opportunity to observe the count and evaluated the process negatively in a significant number of polling stations observed. The continued lack of properly delineated counting procedures meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed.

These parliamentary elections were held under an Electoral Code that was amended in 2010 and 2011. Despite the amendments, the legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and international standards. Several important aspects of the electoral process lacked clarity allowing for an arbitrary and inconsistent application of the law, including the criteria for signature verification for candidate registration. This underscores the need for continued electoral reform.

Election commissions at all levels fulfilled their administrative obligations according to the

deadlines set in the election calendar. Central Election Commission (CEC) sessions were open and attended by observers. However, a number of statements made by the CEC brought into question the impartiality of its work. Overall, contrary to international standards, the CEC did not administer the electoral process in a neutral manner. Positive amendments to increase the representativeness of lower-level election commissions were largely ineffectual due to the lack of detailed selection criteria. International observers noted the continued influence of local authorities on the operations of lower-level commissions.

Undue restrictions on voter and candidate rights exist in the law. Citizens in pre-trial detention or serving a prison sentence, irrespective of the gravity of the crime, are denied voting and candidacy rights. Denial of rights for those in pre-trial detention is contrary to the principle of the presumption of innocence, while the blanket denial of voting rights of those serving prison sentences lacks proportionality. These restrictions are contrary to paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document.

On a positive note, for the first time, political parties could nominate candidates in all constituencies regardless of whether they maintain a regional office in a given district. This resulted in an increase in political party nominations. Nonetheless, the process of candidate registration was marred by an overly technical application of the law that resulted in the exclusion of one in four nominees, challenging paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document. Following the late withdrawal of 81 candidates, 293 candidates contested these elections.

The election campaign was barely visible in most parts of the country throughout the four-week campaign period. Regulations placed limits on the holding of campaign rallies, printing and distribution of campaign material, and access to the media. Although generally calm, the campaign was marred by several reports of intimidation of opposition candidates and activists. Two political parties boycotted the elections and two additional parties withdrew their candidates, citing the continued imprisonment of individuals on political grounds, the limited role of parliament, and a low level of confidence in the electoral process.

Although the Constitution guarantees freedom of expression and prohibits censorship, and while a high number of media outlets exist, coverage of the campaign did not provide a wide range of views. Candidates who called for an election boycott had their free airtime and/or print space denied or censored. Media coverage focussed on the President and government activities, with minimal attention given to candidates. This is at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document and, together with the restrictive campaign environment, limited the possibility of voters to make an informed choice before casting their vote.

Mechanisms to review complaints and appeals fail to provide stakeholders with an effective remedy, challenging paragraph 5.10 of the OSCE 1990 Copenhagen Document and Article 8 of the Universal Declaration of Human Rights. While CEC and Supreme Court hearings took place in open sessions, in many cases the review of complaints was marked by an inconsistent and formalistic application of law, often at the expense of the right to a fair hearing and the principle of proportionality.

PRELIMINARY FINDINGS

Background

The 23 September 2012 House of Representatives elections were called by the President of Belarus on 18 June. The last parliamentary elections, held in September 2008, resulted in only seven

deputies being elected as representatives of political parties. All 110 outgoing members are, however, considered to be government supporters.

The political system is characterized by a weak party system. Despite several applications, no new political parties have been registered by the Ministry of Justice since 2000,¹ challenging paragraph 7.6 of the 1990 OSCE Copenhagen Document and “the right of individuals and groups to establish, in full freedom, their own political parties.” This void has been largely filled by public associations, which organized the nomination and support of several candidates in these elections. For instance, the *Belaya Rus* public association, headed by the First Deputy Head of the Presidential Administration, supported 68 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.

Parties that have been active in elections include the Communist Party of Belarus (KPB), Belarusian Agrarian Party (BAP), Liberal Democratic Party (LDP), Republican Party of Labour and Justice (RPLJ), Belarusian Socialist-Sporting Party (BSSP) and the opposition United Left Party – “Just World” (Just World), Belarusian Social-Democratic Party *Hramada* (BSDP-H), United Civic Party (UCP), and the Belarusian Popular Front (Party BPF). The public association for Freedom Movement, the non-registered Tell the Truth campaign, and several other organizations have also been active in their support for individual candidates.

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 to be valid, and a 25 per cent turnout is required for the second round.

Parliamentary elections are primarily regulated by the Constitution, the Electoral Code, and CEC regulations. The legal framework also includes the Law on Mass Media and the Criminal and Civil Procedure Codes. Libel, insult, and actions “discrediting” Belarus, as well as the activities of non-registered associations, continue to be criminalized.

The Electoral Code was amended in 2010 and 2011, addressing some recommendations made previously by OSCE/ODIHR. Most notably, amendments allow for greater opportunity for candidate nomination by political parties, streamline the procedures for staging campaign events, establish a quota for the inclusion of political party members in election commissions, strengthen early voting regulations, provide for certain actions of election commissions to be appealed to the courts, and grant candidates the opportunity to engage in TV debates.

While these reforms were acknowledged by the OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission) as improvements, it was emphasized that the changes are “unlikely to resolve the underlying concern that the legislative framework for elections

¹ At least four entities applied for registration as political parties in the last ten years. Multiple attempts to register were made by: the Belarusian Christian Democracy; the Freedom and Progress Party; and the Belarusian Communist Party of Workers. One registration attempt was made by the Belarusian Party of Labour (after its liquidation by the Supreme Court on 2 August 2004).

² Alexandr Radkov, the Chairman of *Belaya Rus*, indicated to the OSCE/ODIHR EOM that the association will endeavour to transform into a political party at its November 2012 congress.

in Belarus continues to fall short of providing a basis for genuinely democratic elections.”³ In particular, a number of improvements could be made to key provisions concerning voter and candidate registration, election commission composition, election observation, election day procedures, and the complaints and appeals process.

Election Administration

The elections were administered by a three-tiered election administration, consisting of the CEC, 110 District Election Commissions (DECs), and 6,344 Precinct Election Commissions (PECs), including 43 PECs at diplomatic missions abroad for out-of-country voting. The OSCE/ODIHR EOM met regularly with the CEC and enjoyed good co-operation. Election commissions at all levels fulfilled their administrative obligations according to the deadlines set in the election calendar.

The CEC is a permanent body with a five-year mandate, appointed on 21 December 2011. Of its 12 members, 6 are appointed by the President and 6 are elected by the indirectly elected Council of the Republic (upper chamber of parliament). As noted in the 2010 OSCE/ODIHR and Venice Commission Joint Opinion, the role of the President in appointing senior election officials challenges the autonomy of the election administration.⁴ CEC sessions were open and attended by accredited observers. All CEC decisions were taken unanimously. In line with the law, seven political parties appointed advisory members. While the OSCE/ODIHR EOM observed that advisory members took an active part in debates, their opinions were not taken into account when decisions were taken.⁵ The CEC Chairperson appeared regularly on television and presented her political views about the electoral process and its contestants, which brought into question the impartiality of the commission’s work.⁶ Overall, contrary to international standards, the CEC did not impartially administer the electoral process.

The DECs and PECs were appointed by joint decisions of local legislative and executive bodies in each administrative unit. 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 public associations, and that no more than one third can be state employees. However, as there are no criteria governing how DEC and PEC members should be appointed, the effectiveness of this provision in promoting inclusivity was limited. Only 3.5 per cent of DEC members and 0.1 per cent of all PEC members were nominated by political parties considered to be in opposition.⁷ While the

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 See, paragraph 20 of General Comment No. 25 (1996) to Article 25 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee.

⁵ The two advisory members from UCP and BPF were suspended by the CEC after the parties withdrew their candidates.

⁶ For example, on 29 August, in relation to a candidate nomination, the CEC Chairperson stated: “We should make a legally correct decision, but on the other hand we are a political body and can make a political decision.” (<http://belapan.com/archive/2012/08/29/570849/>). On 12 September, the CEC Chairperson stated: “I can name one candidate that I would vote for and whom I like a lot, but I must say that he is not nominated in my election district. I am not going to call names. You will guess who he is. He is a well-known sportsman.” (http://www.belta.by/ru/conference/i_275.html).

⁷ For example, at the DEC level, five parties considered to be in opposition nominated 198 candidates, but only 50 were appointed (25 per cent). In contrast, out of the 110 nominated candidates by public association *Belaya Rus*, which is supportive of the government, 106 were appointed (96 per cent). At the PEC level, of 664 nominated by opposition parties, only 61 were appointed (11 per cent), while of the 4,799 nominated by *Belaya Rus*, 4,189 were appointed (87 per cent). The CEC justified this small number by stating that the opposition nominated candidates who were not of ‘good character’ and supplied the OSCE/ODIHR EOM with documents listing the criminal convictions of some of the nominees.

limitation on state employees is positive in principle, the OSCE/ODIHR EOM observed multiple instances where the operation of PECs and DECAs appeared to be influenced by local administration.

The CEC issued guidelines for the work of DECAs and PECs, as well as an additional training manual for PECs. The CEC undertook limited voter education through TV spots and posters announcing the election date.

Voter Registration

While all citizens aged 18 years or older by election day are eligible to vote, extensive restrictions on voting rights exist in the law. Citizens deemed mentally incompetent by a court, as well as those in pre-trial detention or serving a prison sentence, irrespective of the gravity of the crime, are denied the right to vote. Denial of the right to vote to those in pre-trial detention is contrary to the principle of the presumption of innocence as enshrined in the 1990 OSCE Copenhagen Document, as well as the Constitution.⁸ The blanket denial of voting rights of those serving prison sentences lacks proportionality and is also not in line with OSCE commitments and international standards.⁹

The CEC determined the total number of registered voters at some 7.1 million. Voter lists were compiled for each precinct by the relevant local administration and updated by PECs. Provisions for voter registration do not foresee consolidated or centralized voter lists at any level above the PEC, nor are there provisions for national crosschecking to safeguard against multiple voter registrations. The Electoral Code allows voters to check their own personal details in precinct voter list, but does not provide for voter lists to be displayed in public places. Voters had to visit their PEC offices in person to check their data. Voter lists remained open until the close of voting and citizens could register to vote, provided that they could prove their identity and residency in the constituency. Although inclusive, voter registration on election day is not in line with international good practices.¹⁰

Candidate Registration

Citizens who are 21 and reside permanently in Belarus are eligible to stand for the House of Representatives. However, the law prohibits citizens with any previous criminal conviction to stand as candidates. In denying a candidate's appeal from the CEC, the Supreme Court implied that this limitation extends to all candidates regardless of whether or not the conviction has been expunged. Such restrictions are contrary to paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document, as well as national legislation.¹¹

Candidates could 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, political parties did not have to maintain a regional office in each constituency in which they wished

⁸ Paragraph 5.19 of the 1990 OSCE Copenhagen Document and Article 26 of the Constitution of Belarus.

⁹ Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will "guarantee universal and equal suffrage to adult citizens," while Paragraph 24 provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law." 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).

¹⁰ The 2002 Venice Commission Code of Good Practices in Electoral Matters, 1.2.iv, recommends that "In any event polling stations should not be permitted to register voters on election day itself."

¹¹ Article 99 of the Criminal Code states that convictions must not have any legal consequences after being expunged.

to nominate a candidate. Consequently, a higher number of candidates were nominated by political parties.¹²

The candidate registration process was, nonetheless, marred by an overly technical application of stringent legal provisions that resulted in the exclusion of one in four nominees, contrary to paragraphs 7.5 and 24 of the 1990 OSCE Copenhagen Document. Twenty-seven candidates that appealed to the CEC were denied registration because more than 15 per cent of the signatures checked for verification were deemed invalid, many on the grounds of minor technical inaccuracies.¹³ According to many interlocutors, the criteria, selection, and process of signature verification lacked transparency.¹⁴

Fifteen candidates that appealed to the CEC were denied registration on the basis of discrepancies found in their income and/or asset declarations. Although the law provides that registration can only be refused for substantial errors,¹⁵ the OSCE/ODIHR EOM observed several cases of denial of candidate registration on the grounds of minor inaccuracies.¹⁶ One candidate was denied registration by the CEC on the basis of his character.¹⁷ The law does not allow for the correction of mistakes which are inadvertent, minor, or technical in character.

Overall, of the 494 nominations reviewed by the DEC, 363 candidates were registered, 123 were rejected and 9 withdrew. Fifty-three rejected nominees appealed to the CEC, after which 11 more candidates were registered. Seventeen rejected nominees appealed to the Supreme Court, resulting in one more candidate being registered. However, after the withdrawal of 81 candidates, 293 contested these elections. In 16 of the 110 constituencies, a single candidate contested the election unopposed.

Campaign Finance

Funding for the conduct of the campaign is provided to candidates from the state budget. Candidates are allocated the equivalent of approximately EUR 460 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. According to the 2010 amendments to the Electoral Code, candidates have the right to establish a campaign fund from personal funds and donations from individuals and legal entities.¹⁸ As of 21 September, 85 candidates had opened campaign accounts. Donations from foreign organizations and citizens, state and local authorities, charities, and anonymous donors are prohibited. The limit on campaign expenditure for each candidate is approximately EUR 9,140.

¹² In 2008, 8 of 15 registered political parties nominated 59 candidates. In 2012, 8 of 15 registered parties nominated 264 candidates.

¹³ For example, signatures were invalidated where the date on the signature form was filled in by a person other than the signatory even when the candidate submitted written affidavits by the voters that they personally signed the form; where the signatories wrote their names in an insufficiently legible way; or where in the address or the passport details of the voter minor mistakes took place.

¹⁴ Following the CEC instructions, for verification of the validity of “suspicious” signatures DEC members requested information from relevant state agencies and often personally visited and questioned voters.

¹⁵ Substantial errors are defined in CEC Regulation 35 as more than 20 per cent in the declaration of annual income, while any omission in declaring assets is considered substantial.

¹⁶ 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.

¹⁷ CEC Decision 89 (29 August 2012) concerning Aleksandr Solop.

¹⁸ Contribution limits are set at a maximum of the equivalent of EUR 180 from personal funds and EUR 90 from any single donor.

The Campaign Environment

The election campaign officially commenced after the registration of candidates on 23 August. Despite a small increase in activity during the last two weeks before election day, the campaign remained barely visible in most parts of the country. The campaign took place in a controlled environment. Regulations placed limits on campaigning, including holding meetings with voters, printing and distributing campaign materials, as well as accessing the media. Overall, the low-level of campaign activity, which correlated with general public disinterest in the electoral process, raised questions about voters' ability to make an informed choice on election day.

The OSCE/ODIHR EOM noted only a limited number of small to medium-sized rallies, with most candidates opting for door-to-door contact with voters and distribution of printed campaign material. Positive amendments to the Electoral Code replaced a permission-based procedure for holding campaign events with a two-day notification procedure. While campaign locations are to be provided free of charge by local authorities, some candidates expressed their dissatisfaction with the designated locations. Candidates may also rent premises for campaigning using their private campaign funds, although few used this opportunity.

Several candidates and political parties complained that candidates supporting the government enjoyed privileged access to meetings organised by labour collectives and large enterprises in their premises, which is contrary to Articles 73 and 74 of the Electoral Code. In addition, candidates nominated by labour collectives benefited from organizational support of employees of state-owned enterprises, including public institutions such as hospitals.¹⁹ Similarly, a number of campaign events were organized by local schools under the guise of parents' meetings, where parents received presentations by candidates.²⁰

Although the campaign was generally calm, several incidents marred the process, including reports of intimidation of opposition candidates and activists. In particular, activists of the Tell the Truth campaign and its youth group, *Zmena*, appear to have been subjected to a high number of arrests for minor administrative offenses. For example, on 5 September, Tell the Truth campaigner Yahor Vinyatski was arrested and sentenced to 10 days in jail for using obscene language in public. The following day, the organization's main office in Minsk was searched and campaign materials were seized, while on 7 September, police detained two *Zmena* activists, again on charges of using obscene language. On 18 September, four *Zmena* activists and seven journalists were detained after a group of policemen in civilian clothes violently ended a picket in Minsk. These and other incidents contributed to an atmosphere of intimidation and pressure on candidates and activists associated with the opposition.²¹

Two political parties boycotted the elections and did not nominate any candidates.²² Two additional parties, the UCP and the Party BPF, indicated at the beginning of the campaign that they would boycott the elections, but only after making active use of otherwise unavailable opportunities to

¹⁹ Many OSCE/ODIHR EOM observers reported difficulties obtaining information about campaign events organised by independent candidates, especially those held on the premises of state-owned enterprises.

²⁰ For example, as observed in DEC 1, 13, 54, 95, 100. However, DEC 67 and 76 informed LTOs that candidates were expressly prohibited from holding campaign events in schools.

²¹ Additional detentions or apparent intimidations included: one opposition candidate was detained twice by customs officers at the border (Alena Fomina representing the non-registered Belarusian Social Democratic Party *Narodnaya Hramada* (BSDP-NH) in Constituency 17, on 31 August and 13 September), one candidate was briefly detained while holding a campaign event (Leonid Padbyaretski supported by the Tell the Truth campaign in Constituency 84 on 4 September), one candidate's car was towed (Anatoly Lebedko, Chair of UCP, in Constituency 105 on 12 September), another candidate's car was searched and materials seized (Alexey Gavrutikov representing non-registered BSDP-NH in Constituency 18 on 30 August).

²² Conservative Christian Party BPF (CCP-BPF) and the Belarusian Social Democratic *Hramada* (BSDH).

reach out to the electorate. They confirmed their decisions to withdraw their candidates at their respective party congresses on 15 September. They cited the continued imprisonment of individuals on political grounds, the limited role of parliament, and a low-level of confidence in the electoral process, especially the lack of DEC and PEC representation, as reasons for their decision.

The Media

The Constitution guarantees freedom of expression and prohibits censorship, and a high number of media outlets exist. However, coverage of the campaign did not provide a wide range of views due to administrative obstacles. This is particularly the case with broadcast media, which is the main source of political information. This was at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document and limits the possibility for voters to make an informed choice.

In accordance with the Electoral Code, the CEC issued regulations that provided contestants with free airtime and print space in state media. Contestants were permitted to pre-record a statement of up to five minutes on state TV and radio, to participate in pre-recorded televised debates, and to publish their election programmes in one of the state-owned newspapers.

However, from 27 August, on the basis of a CEC decision, the majority of media outlets refused airtime to candidates who called for an election boycott, while newspapers censored and/or refused to publish their programmes. The OSCE/ODIHR EOM observed more than thirty instances where candidates free airtime and/or print space was either denied or censored.

Most candidates showed little interest in participating in televised debates, which were allowed under the Electoral Code for the first time in parliamentary elections. A number of candidates stated that they did not participate in debates because of low participation among rival candidates, especially those who support the government. According to the CEC, 31 debates were recorded and broadcast on TV, while 7 recorded debates were not broadcast because the candidates advocated for boycott of the election.

Aside from free airtime, the findings of the OSCE/ODIHR EOM media monitoring showed a very limited coverage of the campaign within news programmes.²³ Broadcast coverage of campaign activity was virtually absent, while candidates were mentioned only as a group with no reference to individual names. State-owned media only focused on procedural aspects of the electoral process as described by the CEC and provided extensive reporting on the President and government activities.

Monitored state TV channels dedicated 60 per cent of their prime-time news coverage to the President, 24 per cent to government officials, 13 per cent to the CEC, and less than 1 per cent to political parties and independent candidates combined. *Radio Stolitsa* dedicated 62 per cent of its news coverage government officials, 30 per cent to the President, 7 per cent to the CEC, but candidates did not receive any coverage.

Similar coverage was monitored in all four state-owned print media, with 52 per cent dedicated to the President, 40 per cent to government officials, 5 per cent to the CEC, and only 3 per cent to candidates. Private print media, *Narodnaya Volya* and *Nasha Niva*, provided voters with wider coverage of all candidate campaigns, including analytical and critical articles. Private print media, however, is constrained by limited circulation and is not available to most voters.

²³ The OSCE/ODIHR EOM monitored the prime time (18:00-24:00) political coverage of five TV channels: *Belarus-1*, *Belarus-2*, *Obschenatsionalnoe TV*, *Stolichnoe TV*, and *RTR-Belarus*; one radio station: *Stolitsa*; and six state and private newspapers: *Sovetskaya Belorussia*, *Zvyazda*, *Respublica*, *Narodnaya Gazeta*, *Narodnaya Volya*, and *Nasha Niva*.

Complaints and Appeals

Despite recent changes to the Electoral Code, mechanisms to review complaints and appeals fail to provide an effective remedy, challenging paragraph 5.10 of the OSCE 1990 Copenhagen Document and Article 8 of the Universal Declaration of Human Rights.²⁴ While CEC and Supreme Court hearings took place in open sessions and with formal observance of due process, in many cases the review of complaints was marked by an inconsistent and formalistic application of law, often at the expense of the right to a fair hearing and the principle of proportionality.

Complaints against decisions of election commissions can be lodged with higher commissions. Depending on the nature of the violation, the court should adjudicate within three to five days. A very limited category of decisions can be appealed to the courts. These include decisions on the appointment of PEC and DEC members, omissions in the voter lists, as well as CEC decisions denying candidate registration and invalidating the elections.²⁵ In the majority of cases no relief is available to stakeholders if their rights are infringed during the electoral process.

According to the CEC, 938 complaints and inquiries have been filed with election commissions and local executive bodies as of 22 September. Of these, 477 have been filed with the CEC, 210 with the DECs, and 58 with the local executives. Of the 477 applications received by the CEC, 76 concerned the composition and activities of the DECs and PECs, 56 concerned candidate registration, and 66 concerned the content of campaigning. The majority of complaints were not considered by the CEC collegially, but were considered by individual commissioners or CEC staff and formally responded to in writing by the CEC. The Supreme Court heard 17 appeals on the decisions of the CEC, all concerning denial of candidate registration.

By 21 September, 79 complaints have been filed with Prosecutors. Of these, 28 were filed with the office of the Prosecutor General. While in most of the cases, the Prosecutors implemented oversight of the electoral process in reaction to specific complaints, in some instances it acted at its own initiative. In one such case, a warning was issued on 10 September to Sergei Kalyakin, Chairperson of Just World, for statements of “tendentious character” intended at “discrediting of state authority, disorganization of the electoral process and destabilization of the civil society.”

Domestic and International Observers

The law provides for observation of the election process by a wide range of stakeholders, including candidate proxies, public associations, political parties, citizens’ groups, labour unions, media, as well as international observers. In total, election commissions accredited some 30,300 domestic observers, including the Human Rights Defenders for Free Elections, which deployed some 400 observers, and For Fair Elections, which deployed some 1,400 observers. The vast majority of observers were nominated by public associations which support the government.²⁶

²⁴ Paragraph 5.10 of the 1990 OSCE Copenhagen Document establishes the right of everyone to “effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.” Article 8 of the Universal Declaration of Human Rights states that “everybody has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

²⁵ The CEC decision that announces the final results can not be appealed to the courts.

²⁶ Of the some 30,300 accredited domestic observers, 22,125 were nominated by public associations supporting the government. This included 5,107 observers from *Belaya Rus*, 4,575 from the Belarusian Republican Youth Movement, and 3,408 from the Belarusian Public Association of Veterans.

In addition, 762 international observers were accredited. Four short-term observers from OSCE participating States, including two parliamentarians, were declared unwelcome by the Ministry of Foreign Affairs. The observers conveyed their strong disapproval of such treatment to the authorities.

Observers may be present at election commission sessions, early voting, and election day. However, the Electoral Code does not stipulate that observers must be given direct and effective access to key aspects of the candidate registration process and voting and counting procedures.²⁷ Although the CEC publicly announced that observers would be granted full access to the election process, international observers reported that in many instances observers were not given a meaningful opportunity to observe candidate registration, the process of early voting, and election day procedures.

While observers are permitted to familiarize themselves with polling station results protocols, the law does not stipulate that observers are entitled to receive certified copies of the protocols. Certified protocols allow observers to verify the accuracy of reported results.

Early Voting

Early voting was held from 18 to 22 September throughout the country. As outlined in the Electoral Code, a voter does not have to provide a reason to vote early. According to the CEC, 25.9 per cent of voters took part in early voting. International observers filed 830 forms during the early voting. In general, early voting was conducted in an orderly manner. Domestic observers were present in only 32 per cent of PECs observed, the majority from public associations. In 97 per cent of PECs, observers were not obstructed in their view of the voting.

The overall assessment of the early voting process was good or very good in 95 per cent of observations. However, international observers reported that procedures were not followed in 10 per cent of observations. This included key components, such as the completion of the daily protocols (8 per cent), the public posting of the protocols (7 per cent), and ensuring the ballots boxes were properly sealed and secured at the end of voting (7 per cent). The secrecy of the vote was not protected in 6 per cent of cases and the transparency of the process was assessed negatively in 9 per cent of observations.

Election Day

The CEC announced a preliminary voter turnout of 74.2 per cent at just after midnight, which was disputed by some domestic observer organizations. Observers evaluated the opening of polling stations as good or very good in 95 per cent of observations. Polling stations opened on time without major procedural shortcomings. The overall assessment of the voting process was good or very good in 95 per cent of observations. While the greater part of procedures was followed, some irregularities were observed. This included group voting (9 per cent), seemingly identical signatures on the voter lists (6 per cent), the ballot box for early voting not being placed in clear view of PEC members and observers (13 per cent), and ballot boxes not being properly sealed (5 per cent). Observers were restricted in their observation of voting procedures in 11 per cent of observations.

The process, however, deteriorated considerably during the count, and was evaluated by observers as bad or very bad in 37 per cent of cases, which is substantial. Serious procedural errors or

²⁷ While the Electoral Code does not expressly deny this right to observers, the CEC confirmed in writing to the OSCE/ODIHR EOM that observers are not entitled to observe the signature verification process. Observers are prohibited from being present next to ballot issuing desk.

omissions were observed in 21 per cent of polling stations observed. These included not determining the number of voters who received ballots (23 per cent), not announcing the results by candidate (28 per cent), not checking the results against the control equations (20 per cent), and not signing and displaying the protocols (11 per cent). Observers noted that the count was often conducted in silence and that they were not given a meaningful opportunity to observe the count in 37 per cent of polling stations. The lack of properly delineated counting procedures meant that an honest count, as required by paragraph 7.4 of the 1990 OSCE Copenhagen Document, could not be guaranteed.

The tabulation process at the DEC's was evaluated as bad or very bad in 12 out of 81 DEC's observed. Observers noted that they were restricted in their observations in 17 per cent of cases. The tabulation of the results was not considered as well organized in 7 per cent of observations and protocols were not entered into a summarized table in 8 per cent of cases observed. In seven DEC's, observers were informed that the final tabulation would not take place until Monday morning and no DEC protocol was produced. Nevertheless, at 00:30, the CEC announced preliminary results for all constituencies.

Domestic observers were present at the opening in 74 per cent of polling stations observed, during the voting process in 85 per cent of polling stations, and during the counting process in 97 per cent of polling stations. Women represented 54 per cent of PEC Chairpersons and some 70 per cent of PEC members in the polling stations observed.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Minsk, 24 September 2012 – The OSCE/ODIHR EOM opened in Minsk on 22 August. It includes 11 experts in the capital, and 36 long-term observers deployed throughout Belarus.

On election day, 330 short-term observers were deployed, including a 71-member delegation from the OSCE PA. In total, there were observers from 37 OSCE participating States. Voting was observed in 1,173 polling stations. Counting was observed in 125 polling stations across all constituencies. The tabulation process was observed in 86 DEC's.

The observers wish to thank the authorities of the Republic of Belarus for the invitation to observe the elections, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The observers also wish to express their appreciation to other international institutions for their co-operation and support.

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Conclusions by a group of observers from the Inter-Parliamentary Assembly of the Commonwealth of Independent States in the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation

CONCLUSIONS

by a group of observers from the Inter-Parliamentary Assembly of the Commonwealth of Independent States Member Nations in the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation

In accordance with Decree No. 276 of the President of the Republic of Belarus of 18 June 2012, elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fifth convocation were held on September 23, 2012.

On the basis of an invitation from Chairman of the Chamber of Representatives of the National Assembly of the Republic of Belarus V.P. Andreichanka and a decision of the Chairman of the Council of the Inter-Parliamentary Assembly of the Commonwealth of Independent States Member Nations V.I. Matviyenko, a group of observers was formed to participate in the observation of the preparation and conduct of the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus.

The group included deputies and representatives of the supreme legislative authorities of the seven CIS IPA member states, including the Republic of Azerbaijan, the Republic of Armenia, the Republic of Kazakhstan, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, Ukraine, experts from the International Institute of Monitoring Democracy Development, Parliamentarism and the Implementation of the Electoral Rights of Citizens of the IPA CIS Member Nations, as well as employees of the Secretariat of the IPA CIS Council. Coordinator of the IPA CIS group of observers is chairman of the Standing Committee of the National Assembly of the Republic of Armenia on Science, Education, Culture, Youth and Sports Artak Lyudvigovich Davtyan.

The activities of the IPA CIS group of international observers were based on the principles of political neutrality, impartiality and non-interference in the election process, strict compliance with the electoral laws of the Republic of Belarus. The observers were guided by documents adopted within the CIS relating to the organization of the international observation of elections and referenda in the Commonwealth countries.

Long-term observation

To ensure the success of IPA CIS international observers, on the basis of the IPA CIS IIMDD a panel from among highly qualified scientists and experts was created, which from August 1, 2012 launched a long-term monitoring and the preparation of analytical and reference materials.

As part of the long-term monitoring, the experts focused on the analysis of the electoral legislation of the Republic of Belarus regulating elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus, as to its compliance with international electoral standards, taking into account the changes made in 2010 and 2011, the activities of the Central Commission for Elections and National Referenda for the organization of the election campaign, participation of the registered political parties in the elections, the general course of the election campaign, monitoring of print and electronic media covering the preparation and holding of the elections.

From 22 to 24 August 2012, the members of the group visited the city of Minsk to meet with the Chairman and the Secretary of the Central Commission for Elections and National Referenda and representatives of the Headquarters of the CIS Observation Mission. During the meeting the sides discussed issues related to changes in the electoral law, implementation of schedules arrangements for

the preparation and holding of elections to the Chamber of Representatives of the National Assembly, formation of electoral districts, district and precinct election commissions, nomination of candidates, preparation for election campaigning, election funding. During a visit to a number of district election commissions in Minsk observers were present at the meetings to address the issue of registration of candidates and to hold the draw to distribute airtime. The observers traveled to the regional centers of Brest, Vitsebsk and Mahiliou to visit the election commissions of various levels, to meet with representatives of public authorities, candidates for deputies and local observers.

A detailed analysis of the organization and the course of the election campaign was reflected in a Report on long-term monitoring of the elections to the Chamber of Representatives presented on September 20, 2012, and in the part of the legal aspects of the organization and conduct of the elections — in the Statement on compliance of the legislation governing the elections to the Chamber of Representatives of the Republic of Belarus with the international electoral standards.

According to the results of the monitoring, it can be concluded that the preparation for the elections of September 23, 2012 took place in a calm atmosphere, under the current legislation of the Republic of Belarus and the international election standards. The authorities in charge of the organization and conduct of elections in the Republic of Belarus created the necessary conditions for the implementation of a full-fledged campaign by all candidates participating in the elections.

The legislation of the Republic of Belarus governing the conduct of elections to the Chamber of Representatives

The analysis of the electoral legislation governing the preparation and conduct of elections to the Chamber of Representatives of the National Assembly for its compliance with international standards for democratic elections showed that the current legislation ensures that elections were held on the basis of universal, equal and direct suffrage by secret ballot. This was facilitated by the changes made to the Electoral Code of the Republic of Belarus in 2010 and 2011, which related to the order of formation of election commissions, nomination of candidates, election campaigning, election observation and were aimed at providing additional electoral rights of citizens.

In particular, the internal structure of election commissions was optimized: at least one-third of the commission is composed of representatives of political parties and other public associations and not more than one-third — of civil servants. The commission cannot include judges, prosecutors, heads of local executive and administrative bodies. To nominate a candidate, the political parties do not need to have an organizational structure in the district. The observers received the right to submit statements to eliminate registered violations to the appropriate or higher election commission, prosecuting authorities. The candidates are allowed to be present at polling stations during the vote counting. Local authorities were ordered to determine the venues for public events for the purpose of campaigning. Participation of candidates in debates with providing of free airtime was legislatively defined. The candidates are provided with an opportunity to create their own campaign funds.

A resolution of the Central Committee expanded the list of documents to authorize the issuance of the ballots. During early voting, a requirement was introduced to seal the ballot boxes on the first day and to daily stick up the slots for the ballots, as well as to publish daily protocols, a copy of which shall be posted in a public place in a building where the election commission is working. Early voting at polling stations in medical and health institutions was terminated, as well as that ahead of the second round of voting.

Thus, the electoral legislation of the Republic of Belarus underwent a number of transformations, which were generally aimed at ensuring the holding of democratic elections and respect for the rights and interests of all participants in the electoral process.

Meanwhile, it should be noted that according to the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms, which guides the majority of CIS member states, the electoral rights of capable citizens can be restricted only in case of criminal sentencing to imprisonment by a court ruling. However, in the Republic of Belarus this category also includes adult citizens under investigation and taken into custody, who, according to the national legislation, "shall not participate in the elections" (Article 64 of the Constitution, Article 4 of the Electoral Code).

In addition, the changes to the electoral law did not include an amendment provided by the provisions of the said Convention on the need to create conditions for the observer, allowing him to observe the counting of votes, and thereby control the observance of the legal procedures.

The institutional and organizational support for the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus

According to the Electoral Code of the Republic of Belarus, the preparation and conduct of elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus is exercised by a system of election commissions, which is made up of the Central Commission for Elections and National Referenda, 110 district election commissions and 6,343 precinct election commissions (including 42 commission formed abroad). The formation of district and precinct election commissions was held in full compliance with the laws and strictly within the period stipulated by the Calendar Plan. Political parties and other public associations and labor groups had the opportunity to nominate citizens to the district and precinct election commissions, which was taken advantage of by 11 political parties. More than 31 thousand members of election commissions were nominated by public organizations and more than 11,000 — by work collectives.

International observers note the purposeful work of the Central Commission for Elections and National Referenda for the organization of the election campaign and the voting process. A lot of work was done to train members of district and precinct election commissions through organizing seminars with the leaders of the Central Commission in the regions, publication of a large number of methodological and practical guidelines. The Central Commission timely performed all of the planned activities for the organization of the elections and conducted its operations openly and publicly. For the first time ever, it included representatives of political parties, who nominated their candidates for the Chamber of Representatives, in a consultative capacity. In considering the applications and complaints received by the Commission, the meetings were open to all interested parties. Decisions of the Central Commission were published on the official website within 24 hours.

As of the end of registration of candidates (23 August 2012), the district election commissions had registered 363 candidates or 73% of the total number of nominated. The registration was denied to 122 citizens, nine more withdrew their candidacies on their own initiative. The main reason for refusal of registration was the submission to the commission of false signatures and declarations of income and property. As a result of appeals against decisions of district election commissions, 11 candidates were registered by the Central Commission for Elections and National Referenda and one — by the decision of the Supreme Court of the Republic of Belarus. At the same time, the registration of one candidate was canceled by a decision of the relevant district election commission. 56% of the nominated candidates represented nine of the 15 political parties.

By September 18, 2012, 16 candidates opted to refuse to participate in the elections; 35 candidates from the United Civil Party and 30 candidates from the party "Belarusian Popular Front" withdrew in accordance with the decisions of the parties' congresses. Thus, at the beginning of early voting the lists of candidates contained 293 people, of whom 139 (47%) were members of political parties. In the 16 constituencies elections were unopposed.

The electoral roll to vote in elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus included 7,078,809 people. The publication of lists of voters, in accordance with the current law, is not available.

The Central Commission for Elections and National Referenda accredited to participate in election observation 15,847 local observers, of whom 1,178 - from nine political parties and 12 373 - from NGOs. In accordance with the electoral laws, representatives of political parties, candidates, local observers and the media had all the conditions for the performance of their functions, including the ability to be present at various stages of the election campaign (at the commissions' meetings, during candidates' registration), the right to free access to all documents in the possession of election commission.

764 international observers were accredited in the framework of the monitoring of the elections in Belarus, including 347 observers in the Mission of the Commonwealth of Independent States.

Election campaigning period

The campaign period ahead of the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus lasted from August 23 to September 22, 2012. Major TV and radio stations, print media in the country provided informational support of the elections throughout the period of the election campaign on an ongoing basis. The most thoroughly covered topics related to the implementation of the main stages of the campaign. Candidates had a free opportunity, in accordance with the draw, to present their electoral program and publish it in the public media. For the first time, the election campaign introduced the practice of televised debates, which, however, was not used by all of the candidates.

The participants of the electoral process were free to carry out election campaigning under the application principle in places designated for these purposes, without facing restrictions from both local authorities and the law enforcement bodies. For campaigning, the candidates were also provided with state funding, and were allowed to form their own campaign funds, but this opportunity was used by less than a third of the candidates.

It should be noted that the calls for a boycott of the elections by the opposition party candidates observed during the campaign, in accordance with paragraph 8 of Article 9 of the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Commonwealth of Independent States Member States, should be considered as actions aimed at preventing the citizens' free exercise of their electoral rights and freedoms. In this regard, the decision of the Supervisory Council for control over compliance with the rules and regulations of election campaigning in mass media about the lack of compliance of campaign speeches of a number of candidates with the electoral laws is viewed as reasonable by the IPA CIS observers.

Short-term observation of the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus

On 20 September 2012, the members of a group of IPA CIS international observers started short-term observation, during which they visited a number of district election commissions and 28 polling stations in the city of Minsk and Minsk region to monitor the early voting process. In the course of monitoring, no violations of the order of early voting related to the procedure and the lack of proper control over the ballot boxes was recorded.

On September 22, 2012, Coordinator of the IPA CIS international observers A.L. Davtyan met with the Head of the CIS Observation Mission S.N. Lebedev. At the meeting, the sides discussed issues related to the preparation of the elections, changes in the electoral law, the activities of the CIS observers on the Election Day.

At a meeting with the chair of the Central Commission for Elections and National Referenda L.M. Yarmoshyna held on September 22, 2012, the IPA CIS observers were informed about the work of the Central Commission, the main events of the campaign, the participation of political parties in the elections, the progress of the early voting.

On the same day, the group of IPA CIS international observers met with the First Secretary of the Central Committee of the public association "Belarusian Republican Youth Union" I.I. Buzouski. At the meeting, the observers were informed of the participation of the activists of the public organization in the formation of district and precinct election commissions, as well as of their

accreditation as domestic observers to work at polling stations and in the electoral districts on the Election Day.

When monitoring the voting process on September 23, 2012, the observers visited 11 district and 72 precinct election commission, located in the city of Minsk and in the settlements of Brest, Vitsebsk, Hrodna and Minsk regions, including Brest, Baranavichy, Dziarzhynsk, Zhodzina, Kletsk, Maryina Horka, Mir, Niasvizh, Pastavy, Snou, Fanipal.

The polling stations opened at the scheduled time, were provided with the necessary documents, equipment, information materials.

No registered complaints were reported as to the voter lists, the procedure for issuing ballots and voting at the visited polling stations.

The observers note that the polling stations accommodated national and international observers and media representatives who operated freely to control, monitor and report on the electoral process.

According to the observers, minor violations and shortcomings in the election process were not systematic and widespread and failed to significantly impact the free will of the voters.

However, the IPA CIS observers find it necessary to note that many visited polling stations did not create full conditions for the unhindered access to voters with disabilities (ramps, rails, etc.), as well as the absence of means of optical correction for the visually impaired, which may cause inconvenience to persons in this category, and is not conducive to the enjoyment of their right to vote.

As a result of the monitoring, the group of IPA CIS observers notes that the amendments to the electoral legislation of the Republic of Belarus were aimed at ensuring the holding of fair elections and democratic rights of all participants in the electoral process.

However, the issues of legal regulation of voting of citizens of the Republic of Belarus under investigation and held in custody require compliance with international practices. It seems reasonable to consider the possibility of providing the candidates with time to correct the inaccuracies committed by them in the preparation of documents for registration. The illegibility of some wordings of the Electoral Code stipulates the possibility of different interpretations of a number of legislative provisions in practice.

The whole system of the bodies responsible for organizing and conducting the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus effectively contributed to the preparation and conduct of the elections. The Central Commission for Elections and National Referenda timely performed all of the planned activities for the organization and preparation of the elections and conducted its operations openly and publicly.

The participation of 293 candidates in the elections, including representatives of eight political parties, the use of new forms of campaigning, as well as other additional opportunities for participants in the election process, added to the competitiveness of the elections and provided the citizens of the Republic of Belarus with a real choice. However, it should be noted that the elections were unopposed in 16 districts.

During the election campaign, the media provided the citizens of the Republic of Belarus with different points of view on the most important issues of political, economic and social life of the country. The election campaign was of open and democratic.

Throughout the process of organizing and conducting the elections, the public authorities of the Republic of Belarus secured the respects for the status and authority of international observers provided by the corresponding international legal regulations.

On the basis of the monitoring, the IPA CIS international observers came to the general conclusion that the organization and conduct of voting in the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus 23 September 2012 were consistent with generally accepted democratic principles of free and fair elections, as contained in the Constitution and electoral laws of the Republic of Belarus.

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Minsk, 23 September 2012

D.Y. Zhuk, Y.V. Anisimova

St. Petersburg, September 23, 2012