



CIVIL CAMPAIGN *HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS*

**Elections to the House of Representatives
of the National Assembly of Belarus
of the sixth convocation**

Observation was carried out by activists of the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign *Human Rights Defenders For Free Elections*

Parliamentary Elections. September 11, 2016. Final Report

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CONCLUSIONS

This year's parliamentary elections were called against the backdrop of a complicated geopolitical situation in the world and Europe, in particular, which is primarily due to the Russian-Ukrainian crisis. Despite the fact that the vote was accompanied by unfavorable trends in social and economic spheres, the campaign took place against a more favorable internal political background as compared to earlier elections.

It should be noted that the Belarusian authorities have not abandoned the repressive practices against their political opponents: peaceful protesters are still subjected to administrative liability, other civil and political rights are restricted, the country has new political prisoners. The Belarusian authorities have not made any measures aimed at systemic and qualitative changes in the field of human rights, especially at the legislative level.

The elections were marked by a number of positive trends: absence of significant constraints on the part of the authorities in the collection of signatures for nominating candidates and conducting campaign activities, a small percentage of refusals to register nominations groups and candidates.

However, the Belarusian authorities did not take into account the recommendations of the OSCE ODIHR and the campaign *Human Rights Defenders for Free Elections*, which were developed on the basis of observation of earlier campaigns, while the few, but widely announced changes were obviously unable to contribute to a qualitative change in the nature of the elections towards greater democracy and transparency.

The elections did not meet a number of key international standards for democratic and free elections, as well as the country's electoral legislation. First of all, the findings are due to the lack of equal access to state media for all candidates, lack of impartiality of election commissions, facts of abuse of administrative resources in favor of the pro-government candidates, numerous facts of forcing voters to participate in early voting, non-transparency of some election procedures for observers.

Traditionally, greatest criticism is caused by the opaque vote count procedures, which gives rise to serious doubts about the conformity of the results of this calculation to the actual will of the voters.

Election commissions

- formation of the TECs and the DEC's took place against the backdrop of widely announced new approaches to selection procedures: the possibility of observers (including international ones) to attend the meetings of bodies in charge of forming election commissions, discussing business and political qualities of the nominated candidates, and a separate vote for each nominee;
- these approaches were often applied in the formation of the TECs and the DEC's, however, most PEC's were formed as a result of approving lists of candidates, without presenting and discussing the nominees;
- the absence of legislatively fixed criteria for selecting candidates to election commissions still results in a highly partial approach to the personal composition of these commissions; the CEC's Decree No. 18 has failed to contribute to greater political pluralism: as in the earlier elections, the formation of the PEC's was based on a bias in favor of representatives of the pro-government political parties and public associations;
- the proportion of representatives of political parties on the TECs, DEC's and PEC's remains extremely low (24.2%, 13.6% and 5.2%, respectively), as compared to the representation of public associations (51%, 54.3% and 44.1%, respectively);
- as before, the main administrators of the elections are representatives of the five largest pro-government associations — *Belaya Rus*, Belarusian Republican Youth Union, the Belarusian Women's Union, the

Belarusian Public Association of Veterans, and the Belarusian Federation of Trade Unions. The total percentage of their representatives in the composition of the TECs and DEC is 40% and 42.3%, respectively;

- the formation of the election commissions was still based on a discriminatory approach towards the representatives of the opposition parties: the percentage of their admission to the commissions is traditionally low: 31.2% of the total number of candidates nominated to the TEC, 19.4% — to the DEC and 10.3% — to the PECs; the overall percentage of their representation in the composition of the TECs, DEC and PECs is insignificant (5.4%, 1.8% and 0.08%, respectively); during the parliamentary elections of 2012, the proportion of representatives of opposition parties in the composition of the DEC was 3%, in the elections of 2008 — 2.2%; the PECs had even less members of the opposition parties: 0.01% in the elections of 2012 and 0.07% in the elections of 2008;

- a small number of representatives of political parties in the composition of the commissions reflects the specifics of the Belarusian political model, in which the main political actors in the election campaigns are the representatives of the pro-governmental public organizations and labor collectives.

Nomination and registration of candidates

- the nomination and registration of candidates were not marked by any major differences from the previous parliamentary election campaigns, the collection of signatures was held in a calm atmosphere and without significant obstacles to the nomination groups;

- there were some facts of abusing administrative resources in favor of the pro-government candidates, pressure on members of the opposition candidates' nomination groups;

- in a number of DEC (27%), verification of signatures submitted for the nomination of candidates was sufficiently transparent, the observers were able to monitor the process, including the procedure of selecting signatures for verification; the observers regard this as a positive practice. A negative factor of this year's elections is that in the majority of the DEC (73%), as before, the observers of the campaign *Human Rights Defenders for Free Elections* were denied the right to observe the signature verification procedure;

- the current election campaign was marked by a larger number of nominations as compared to previous campaigns (365 in 2008, 464 in 2012, 630 in 2016) and fewer refusals to register the candidates (23% in 2008, 24.7% in 2012, 14.8% in 2016).

Election campaigning

- the election campaign did not become a significant social and political phenomenon in the Belarusian society and failed to attract much public attention;

- in most regions, decisions of local authorities regarding the places for authorized campaigning activities and campaign advertising were improved as compared to the elections of 2012 and 2015; some regions preserved the negative practices of earlier campaigns;

- the candidates were not provided with equal rights; pro-government candidates enjoyed better conditions for campaigning: they made extensive use of the administrative resources, including electronic and print media; there were cases of pro-government candidates' meetings with voters during working hours, reporting inaccurate or false information about the schedule of meetings on the websites of local governments;

- there were instances of censorship of candidates' speeches and platforms, as well as obstacles in the publication of campaign materials (unauthorized editing etc.), although the current legislation does not

provide for approving electoral texts by printing companies and does not impose such duties on the candidates themselves; there were facts of discrediting the opposition and independent candidates.

Early voting

- 31.29% of voters took part in early voting, which exceeds voter turnout of the previous parliamentary elections in 2012 (25.9%); in fact, early voting has become commonplace, despite the fact that it does not comply with the Electoral Code;
- the observers reported numerous cases of coercion of citizens to participate in early voting. The illegal measures were practiced by the administrations of government-owned enterprises and universities (at up to 18% of the polling stations). The trend repeated the negative practices of previous election campaigns;
- the official data on voter turnout significantly exceeded the calculations of the campaign's observers. These violations were documented throughout the five days of early voting; the total percentage of discrepancies in the data during the five days of early voting was 14%. During the 2012 parliamentary elections, the total percentage of overstated turnout was 10.4%;
- early voting remains one of the systemic problems of the country's electoral process and creates opportunities for the use of administrative resources and other manipulations. In this regard, the OSCE ODIHR recommendations regarding changes to early voting procedures remain relevant.

Mobile voting

Existing procedures for mobile voting provide space for manipulation. Observers cannot check whether the voters really applied for mobile voting, which in practice allows to organize such a vote without any applications (86.4%).

In some polling stations, the observers reported an abnormally high number of voters who voted by a mobile ballot box.

Voting at the polling stations and vote count

The Electoral Code does not provide a description of the ballots counting process. The election authorities failed to take into account the recommendations and proposals of the OSCE ODIHR and the campaign *Human Rights Defenders for Free Elections*, that were expected to settle the procedure through a decision of the CEC.

As during previous election campaigns, the PECs counted the ballots jointly and simultaneously, without announcing the voter's choice and displaying each ballot. Such a procedure of vote counting is not transparent and does not allow to refer the results of observation of the counting of votes to the data reflected in the protocols on voting results. 95.31% of observers noted that the vote-counting procedure were extremely non-transparent. During the observation of the parliamentary elections in 2012, this figure was 92.3%.

During the observation of the counting procedures, the campaign's observers reported other violations of the counting procedures: 32% of the observed PECs failed to announce the results of separate counting of the votes, 42% of the observed PECs failed to secure a separate ballot counting for each candidate, in 61% of the PECs, the observers were forced to monitor the vote-counting procedure from a distance that prevented them to actually see the counting.

Complaints and appeals

According to official data of the Central Election Commission, the number of complaints and appeals submitted during the preparation and conduct of this year's parliamentary elections has increased in comparison with previous elections by 82% (938 complaints during the elections of 2012 and 1,716 during the current campaign).

Despite the CEC's Decree No. 22 June 8, 2016 "On informing the citizens about the work on the preparation and holding of elections to the House of Representatives of the National Assembly of the sixth convocation", according to which the executive committees are required to publish the decisions of election commissions on their websites, in practice, most of these decisions were not made public.

As during previous election campaigns, this year's elections were marked by facts of arbitrary application of provisions of the Electoral Code on the terms for the submission of complaints, which did not allow the candidates to exercise their right to appeal against illegal decisions.

The courts did not meet a single appeal against decisions on the formation of election commissions.

INTRODUCTION

The campaign *Human Rights Defenders for Free Elections* is an independent and politically unbiased joint initiative of the Human Rights Center “Viasna” and the Belarusian Helsinki Committee.

The campaign aims to observe the elections of all levels, assessing the electoral process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, disseminating information on the results of observation both in Belarus and abroad.

The campaign involved 55 long-term observers, who were accredited with the DEC's to cover more than 70% of the country's voters. The results of processing the observers' weekly reports were disseminated through the campaign's weekly reports and milestone reports on separate stages of the elections.

During early voting, observation was carried out in 182 PECs, and on Election Day the observation covered 350 PECs across the country. Reports were processed on a daily basis, which allowed to identify the general trends in the organization of the electoral process and assess the level of electoral violations.

CONDITIONS FOR OBSERVATION

The elections were observed by a number of international missions, including the CIS Interparliamentary Assembly, OSCE ODIHR EOM, Council of Europe's PACE mission, and representatives of the diplomatic corps in the Republic of Belarus. In addition, small missions were deployed by the OSCE Parliamentary Assembly and the Commonwealth of the Shanghai Cooperation Organization.

Besides the campaign *Human Rights Defenders for Free Elections*, national monitoring was also carried out by the campaign *Prava Vybaru* (“Right to Elect”), which brings together eight political groups and may be viewed as an observation initiative by the opposition political parties and movements.

Some pro-government public associations and political parties (*Belaya Rus*, Belarusian Republican Youth Union, Belarusian Women's Union, Federation of Trade Unions of Belarus etc.) traditionally sent large amounts of observers. However, their activities were primarily focused on exercising control over other observers, supporting the activities of the election commissions, preparing complaints against observers in order to justify their removal from the polling stations. It should be noted that the results of observation carried out by the pro-governmental public associations and political parties have never been announced or published.

A total of 37,834 national observers were accredited with the election commissions of all levels.

In the process of election observation, observers of the campaign *Human Rights Defenders for Free Elections* faced pressure from the authorities, refusals to provide information from the election commissions, and removals from the polling stations. Separately, the campaign stresses an unjustified ban on using photo and video equipment at the polling stations, opposition to the observers during the counting of voter turnout, as well as observation of the counting of votes at polling stations.

The campaign *Human Rights Defenders for Free Elections* has reported 5 cases of illegal deprivation of accreditation of the campaign's observers.

LEGAL FRAMEWORK

The legal framework of the country's electoral system is based on the Constitution, the Electoral Code and other legislative acts, as well as decisions of the Central Election Commission.

The elections were preceded by several amendments in the Electoral Code, the latest of which was made by the Law No. 268-3 of June 4, 2015. The Act specified and expanded the scope of bans on foreign funding of the electoral process. Earlier, Law No. 72-3 of November 25, 2013 amended the Electoral Code to affect the procedure for state funding of campaigning activities, introduce the accreditation of observers, provide for the creation of regional and Minsk city territorial election commissions, which, inter alia, were tasked to supervise the activities of the district and precinct election commissions, consider appeals against their decisions, determine the results of elections of deputies in the territory of the region and the city of Minsk. It also provided for the right of political parties, which have nominated their candidates for parliament, to delegate their members to these commissions in an advisory capacity.

Campaigning for a boycott of the elections was prohibited under the threat of administrative responsibility. The changes specified the scope of reasons for refusing registration to a candidate. Unlike previous elections, the 2016 vote consisted of only one round. Under the rule, the candidate who receives the majority of votes wins the Parliament seat. These changes, unfortunately, failed to take into account the OSCE recommendations made on the basis of observation of the parliamentary elections in 2012. In addition, some new provisions of the Electoral Code further worsened the situation as compared to earlier regulations.

On January 4, 2014 Belarus acceded to the Convention on Standards for Democratic Elections and Electoral Rights and Freedoms in CIS Member States, which was signed on October 7, 2002 in Chişinău. The new rules banning campaigning for a boycott of the elections clearly contradict the CIS Convention, which stipulates that a boycott or calls for a boycott of the elections are forms of the free exercise of citizens' electoral rights and freedoms, while all obstacles to the exercise of these rights should be prosecuted.

As during the previous parliamentary and presidential elections, the Central Election Commission retained the practice of selective publication of its decisions, which is not consistent with the principle of transparency of elections (24 out of 55 CEC decisions had been published by Election Day).

These decisions of the CEC introduced a number of new standards, which, according to the CEC members, took into account the proposals to improve the electoral processes developed by OSCE ODIHR following its observation of the 2015 presidential election. An interdepartmental expert group was set up on February 12 on the orders of Aliaksandr Lukashenka with a view to consider their possible implementation in the electoral process. As a result, the CEC took into account two of the group's thirty proposals.

The CEC's Decree No. 18 of 8 June 2016 "On clarifying the application of the provisions of the Electoral Code of Belarus regulating the procedure of formation of election commissions during the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation" said that the meetings of local executive committees in charge of forming the election commissions of all levels should consider the issue of business and political qualities of nominated persons, and if the number of candidates exceeds the necessary amount, each candidacy should be discussed and put on a separate vote. Also it provides that the meetings may be attended by representatives of political parties and public associations, whose observers have been accredited by the CEC.

The Regulation specified the rights of national and international observers. In the period of early voting and on Election Day observers have the right to receive from the PECs information on the number of citizens

registered on voter lists and the number of voters who have cast their ballots. In addition, observers accredited by the corresponding DEC have the right to observe the transfer of protocols from the PECs. The websites of local executive committees should publish court decisions on electoral disputes, which, according to the CEC chairperson, met the ODIHR recommendations and increased the transparency of the elections.

It is worth noting that the most sensitive point of elections, which has always aroused particular criticism of observers, namely the procedure for counting the votes, as before, was not clarified in any of the CEC's guidelines or decisions. Absence of reforms of the vote-counting procedures demonstrates the CEC's unwillingness to organize a truly transparent vote count.

ELECTION COMMISSIONS

Amendments introduced to the Electoral Code in 2013 added a new level of election commissions during the parliamentary elections, namely territorial election commissions (TECs, regional and Minsk city territorial election commissions); TECs and DEC (district elections commissions) are an important mechanism of the electoral process, which significantly affects the holding of free and democratic elections;.

Formation of the TECs and DEC took place against the backdrop of widely announced new approaches to selection procedures: the possibility of observers (including international ones) to attend the meetings of bodies in charge of forming the election commissions, discussing business and political qualities of the nominated candidates. In cases where the amount of nominees exceeds the stipulated quota, information on each nominee should be considered and a separate vote should be carried out. These approaches were provided by the CEC's Decree No. 18 of June 8, 2016. The Decree also provided for the observers' right to attend the meetings of the bodies responsible for the formation of the election commissions.

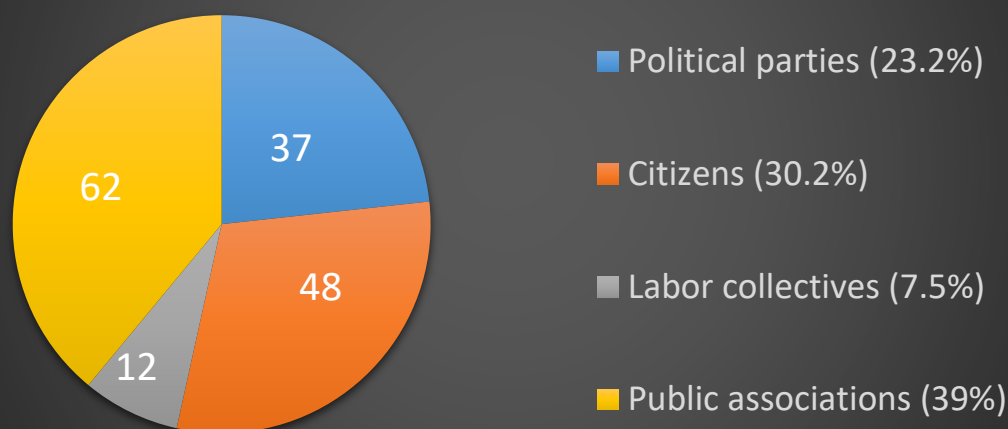
Under the current electoral law, political parties, public associations, labor collectives and citizens have the right to nominate their representatives to the election commissions (one representative each).

According to a general rule, at least one third of the commission are representatives of political parties and other public associations. The commission may not include judges, prosecutors, heads of local executive and administrative bodies. Representation of civil servants cannot exceed one third of the commission.

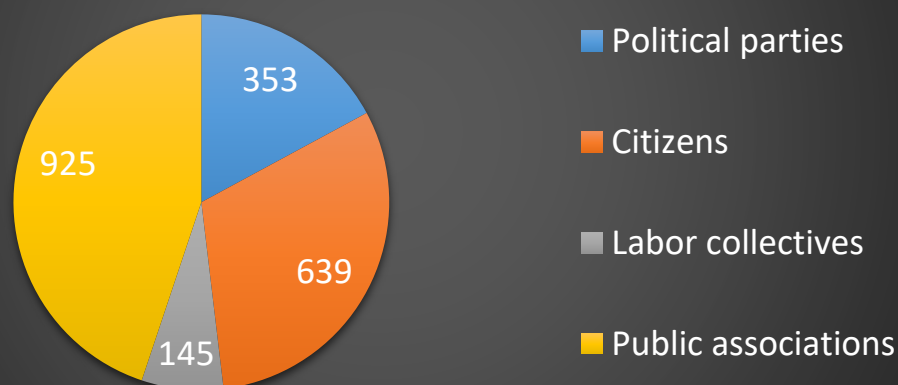
In general, the observers reported that voting in the majority of cases was of a formal nature, although it was accompanied by a discussion of the nominated candidates. Representatives of pro-government political parties and public associations were supported almost unanimously, while representatives of opposition parties rarely received a vote in support of them.

144 people were nominated to the seven territorial election commissions (TECs), and 2,014 persons were nominated to the 110 DEC.

NUMBER OF NOMINATIONS TO TERRITORIAL COMMISSIONS BY VARIOUS ENTITIES



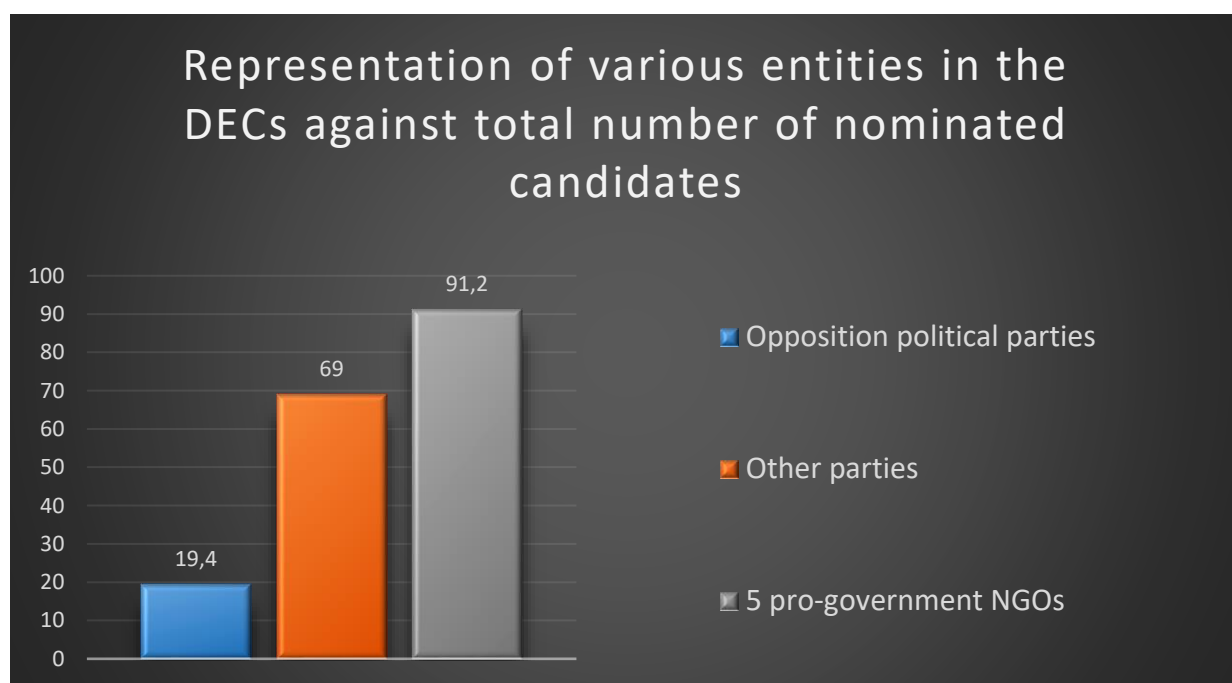
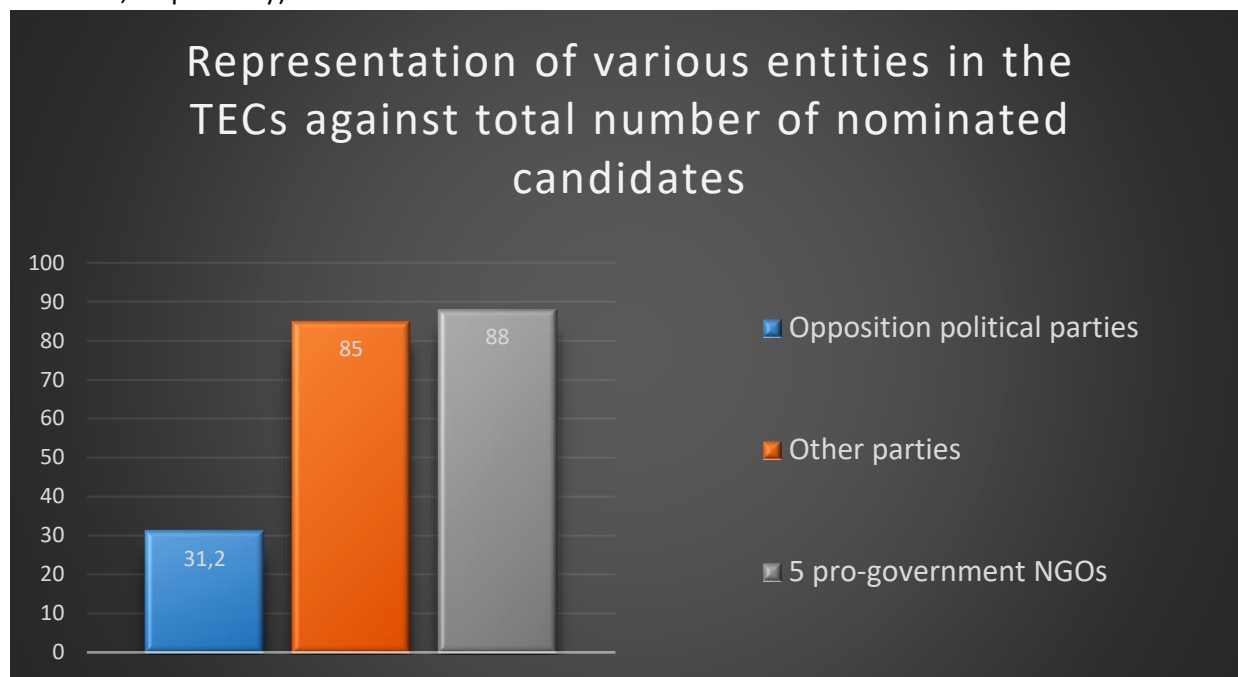
NUMBER OF NOMINATIONS TO DECs BY VARIOUS ENTITIES



The proportion of representatives of political parties on TECs and DEC remained extremely low (24.2% and 13.6%, respectively), as compared to the representation of public associations (51% and 54.3%, respectively).

The main administrators of the elections were representatives of the five largest pro-government associations — *Belaya Rus*, Belarusian Republican Youth Union, the Belarusian Women's Union, the Belarusian Public Association of Veterans, and the Belarusian Federation of Trade Unions. The total percentage of their representatives in the composition of TECs and DEC was 40% and 42.3%, respectively.

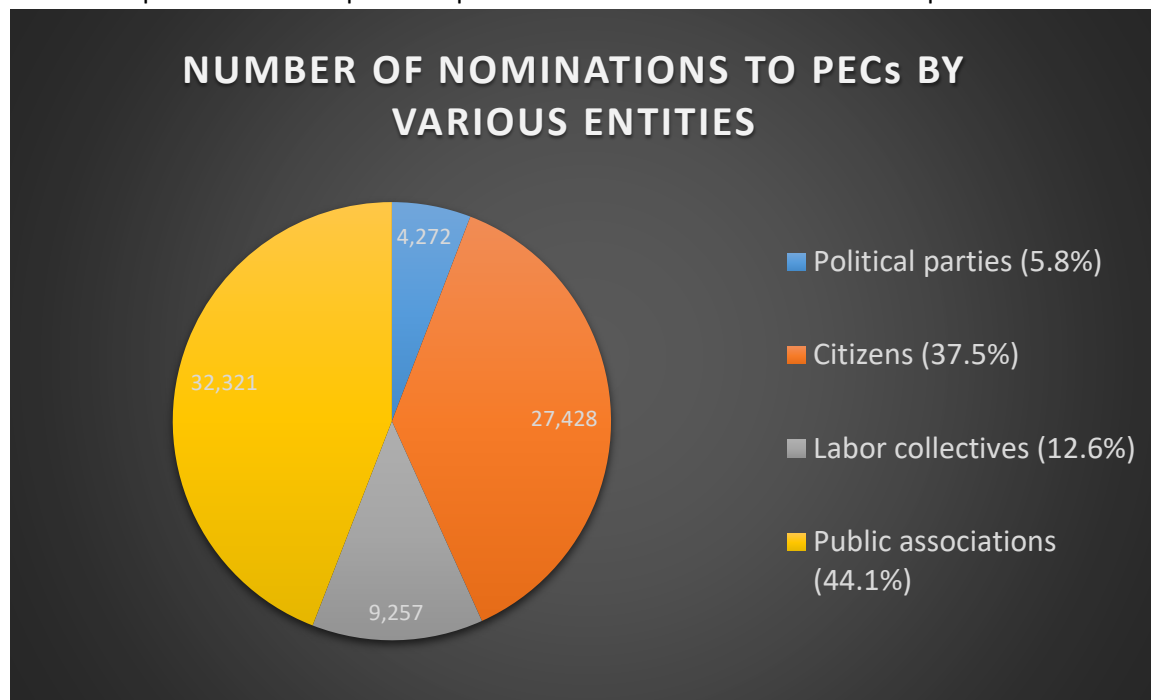
The representation of opposition parties was still extremely low: 31.2% of the nominated amount in TECs and 19.4% — in DEC. The total percentage of their representation on TECs and DEC is insignificant (5.4% and 1.8%, respectively).



During the parliamentary elections of 2012, the proportion of representatives of opposition parties in the composition of DEC was 3%, in the elections of 2008 — 2.2%.

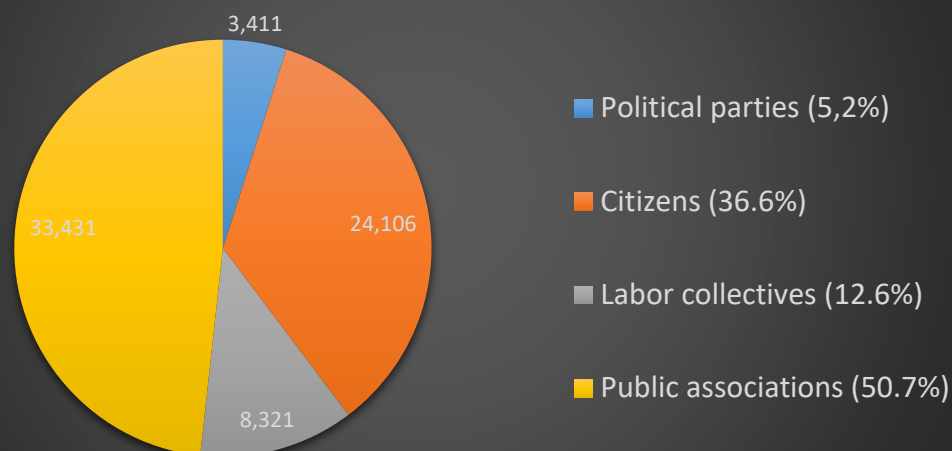
Precinct election commissions

Formation of the PECs also followed the new rules provided for by the CEC's Decree No. 18. However, the observers reported that in most cases the PECs were formed through voting for a list of candidates. The nominees' professional and political qualities were not discussed at about a quarter of the meetings.

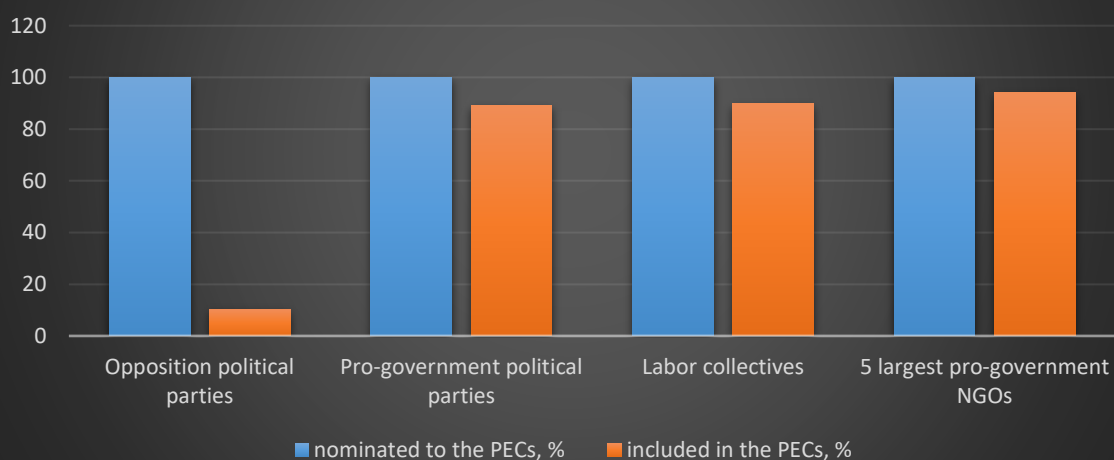


A total of 5,971 PECs were formed, which included 65,856 commissioners. Thus, 89.8% of the total number of applicants (73,293) were selected as commission members.

REPRESENTATIVES IN THE PECs BY TYPE OF NOMINATION



BALANCE BETWEEN NOMINATED AND SELECTED CANDIDATES FROM VARIOUS ENTITIES



The country's opposition parties were represented in the PECs by 53 people or 0.08% of the total composition (out of 514 proposed candidates), while the five largest pro-government public associations (Belarusian Republican Youth Union, *Belaya Rus*, Women's Union, Veterans' Union, and Federation of Trade Unions) had 25,546 commissioners (38.7% of the total number of PEC members).

Thus, the widely announced new approaches set out in the CEC's Decree No. 18 failed to contribute to greater political pluralism in the election commissions.

NOMINATION AND REGISTRATION OF CANDIDATES

In order to be registered as a candidate, the applicant shall submit a set of documents specified in Art. 66 of the Electoral Code, including a statement of consent to run in the elections, biographical data, copies of documents confirming the information on education and place of employment, income and property statements. When nominating a candidate through the collection of signatures, signature sheets should also be submitted to the DEC.

The DEC shall refuse to register a candidate in the event of: non-conformity of the person nominated as the candidate to the requirements of this Code; failure to notify of or the presence of an unexpunged conviction of the person nominated as a candidate; non-compliance with the requirements of the Code for the nomination of a candidate; failure to submit one or more documents necessary for the registration of the candidate; insufficient number of authentic voters' signatures collected in support of the nomination as a candidate; use in the interests of election of monetary means or other material assistance of foreign countries and organizations, foreign citizens and stateless persons, international organizations, organizations the founders (participants, owners of property) of which are foreign states, foreign organizations, international organizations, foreign citizens and stateless persons; presence of more than 15 percent of inauthentic signatures of the total number of verified signatures of voters in the signature lists on nomination of the candidate for deputy; in other cases of non-compliance of the order of nomination with the requirements of this Code.

The DEC's may refuse to register a candidate in the event of: submission of the data having essential nature, which do not correspond to reality, in the declaration on incomes and property of the person nominated as a candidate; using advantages of an official position in the interests of election; participation of the administration of an organization in gathering signatures, coercion in the course of gathering signatures and rewarding voters for putting their signatures; repeated violation by the person nominated as the candidate or an initiative group of the requirements of the Code or other acts of legislation of the Republic of Belarus on elections, if they had been previously issued a warning.

The DEC's' decisions to refuse registration shall be appealed to the superior election commission, and its decision — to the Regional (Minsk city) Court (earlier, the decision of the DEC was appealed to the Central Election Commission, and its decision — to the Supreme Court).

Collection of signatures

Designated locations for the collection of signatures. In many cities, the number of banned locations was reduced in comparison with previous elections. In numerous territories, campaigners were allowed to collect signatures on the territory of educational institutions, medical facilities, cultural and sports facilities, social services, and religious institutions. However, in a large number of cities the conditions did not change for the better. The authorities of numerous cities and towns prohibited signature collecting in the central squares (the town of Babrujsk, Salihorsk, Sluck, Maladziečna, Minsk, and others).

Abuse of administrative resources. Observation has shown that the collection of signatures was marred by numerous facts of using administrative resources. In Svietlahorsk, the managers of local government-owned enterprises advised their employees to put their signatures in support of Halina Filipovich, current member of the House of Representatives for electoral district No. 46, head of the regional branch of the Belarusian Women's Union, and ignore the other contenders. Signatures for Mrs. Filipovich were collected at JSC *Svietlahorsk Pulp and Paper Factory*, JSC *Svietlahorskchimvalakno*, JSC *Svietlahorsk Plant of Reinforced Concrete Structures*.

In Sluck, employees of the housing maintenance and utilities board documented cases of forced collection of signatures for the nomination of Valiantsina Razhanets, editor of the *Slucki Kraj* newspaper. In Maladziečna, administrative resources were used by the nomination group of Liudmila Kananovich, deputy chair for social issues and ideology of the district executive committee: signatures were collected during working hours at the public sector enterprises. In Orša, teachers were recalled from annual leaves and sent to collect signatures in support of the current member of the House of Representatives for electoral district No. 26 Liudmila Dabrynina. The same situation was documented in Hrodna: teachers collected signatures in support of Liliya Kirak, headteacher of secondary school No. 13, running in electoral district No. 51.

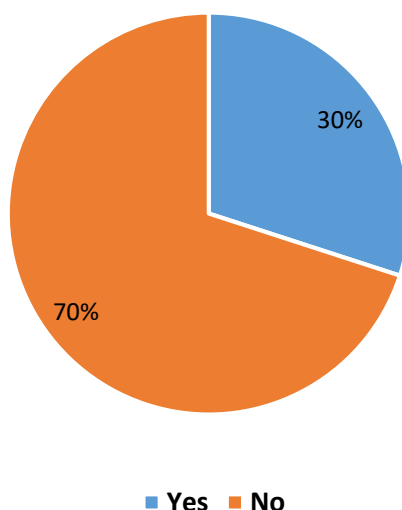
Obstacles during the collection of signatures. There were no significant obstacles in the collection of signatures on the part of the authorities, except in the cases of campaigning on the premises of dormitories. During an incident in Homieĺ, supervisor of a dormitory owned by the Centralnaje enterprise did not allow the nomination group of Yury Hlushkou (electoral district No. 33) collect signatures on the premises. After a phone call to the DEC, the campaign's deputy director arrived at the dormitory to settle the conflict. The election commissions of Minsk received complaints about the excessive activity of separate nomination groups who were collecting signatures in the dormitories owned by local state-run enterprises. In this regard, chairman of the Minsk City Election Commission, Siarhei Khilman, said at a meeting of the commission that members of nomination groups had to abide by the rules of visiting dormitories. An order was issued, which allowed collecting signatures only in the halls of the first floors, as well as near the buildings of local dormitories.

Monitoring the verification of signatures

Most observers did not have the opportunity to be present during the verification of signatures by the district election commissions. The possibility to be present during the verification of signatures was reported by only 27% of the observers of the campaign *Human Rights Defenders for Free Elections*. At the same time, in 67% of the Minsk DECs observers were given the opportunity to be present during the procedure, in the Mahilioŭ region — in 57% of cases (in four out of seven DECs), in the Viciebsk region — 11% (in one out of nine DECs). In the Minsk, Hrodna and Brest regions, observers were almost never allowed to be present during the signature verification.

Observers registered in the Babrujsk-based electoral district Nos. 78 and 80 were allowed to attend the DECs' meetings and see the signature sheets. In the Polack-based DEC No. 27, the observer was present at the meeting, but could not see the contents of the signature sheets. Observer in the Rečyca-based DEC No. 44 was placed in extremely unfavorable conditions, after each election commissioner took a certain amount of signature sheets for verification. In the Homieĺ-based DEC No. 33, the observer was invited only to the final verification procedure. Prior to that, the commission members had reviewed the signatures, and only

**Transparent and public verification of information about the candidates
in the presence of observers**



Results of the registration of candidates

According to the Central Election Commission, 630 persons were nominated using a number of nomination means, of which 93 were refused registration, i.e. 14.8% of the total number of nominated applicants (which is significantly lower as compared to the 24.7% of the parliamentary elections in 2012). Another 16 persons (2.5%) withdrew their candidacies. There were no uncontested electoral districts in this year's elections (there were four such districts in 2012).

Representatives of political parties nominated 387 candidates, representing 50.6% of the total number of nominated applicants. The results of registration of party candidates are as follows:

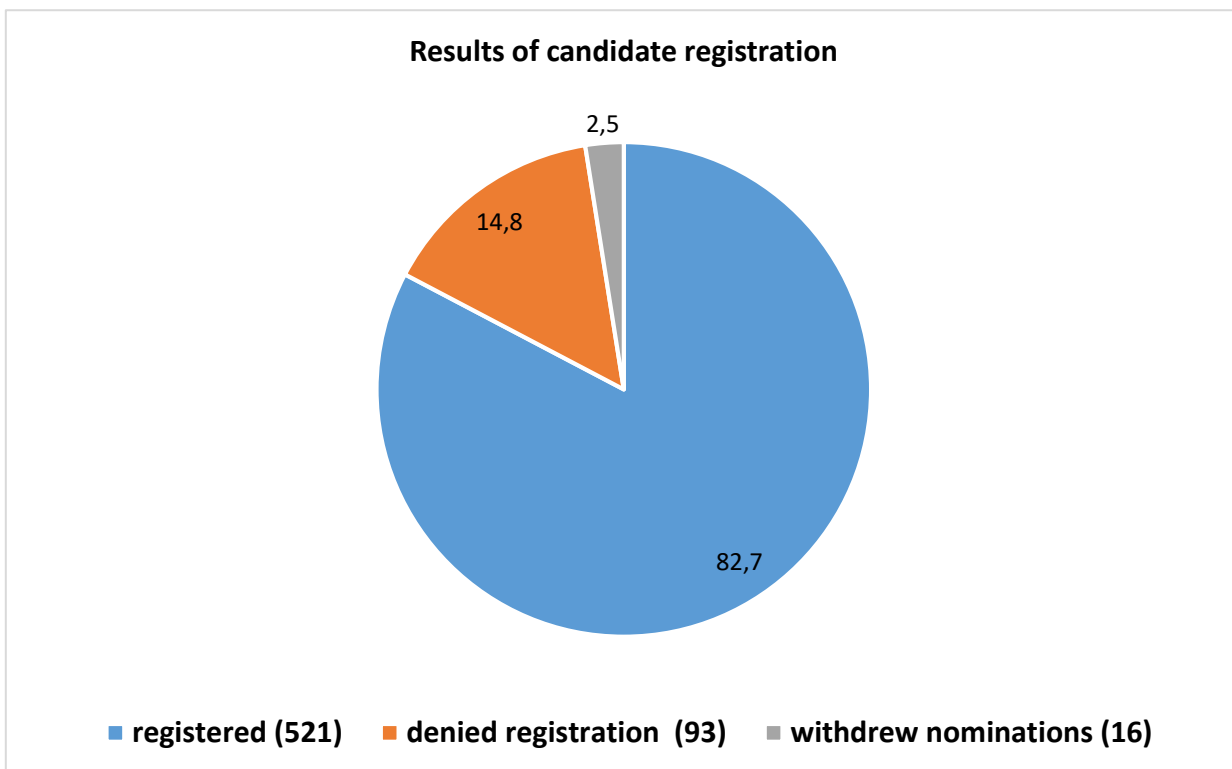
Name of political party	Number of nominated applicants	Number of registered candidates	Number of persons that were denied registration (%)
Belarusian Party "Greens"	5	5	0 (0%)
Belarusian Party of the Left "Fair World"	46	38	8 (17%)
Belarusian Patriotic Party	18	16	2 (11%)
Belarusian Social Democratic Party (Hramada)	29	27	2 (7%)
Communist Party of Belarus	52	44	8 (15%)
Liberal Democratic Party (LDP)	90	77	13 (14%)
United Civil Party (UCP)	67	57	10 (15%)
BPF Party	60	49	11 (18%)

Name of political party	Number of nominated applicants	Number of registered candidates	Number of persons that were denied registration (%)
Republican Party of Labor and Justice (RPLJ)	20	18	2 (10%)

99% of those who were denied registration as a candidate were nominated by one entity. Most of them were nominated by political parties (51%).

The greatest amount of refusals affected the persons nominated by citizens through signature collection (37%). Among the candidates who were nominated only by political parties, the ratio is 16% (298 registered out of 354 nominated). Of these, 45% are members of the opposition parties (UCP, *Hramada*, BPF, and *Fair World*). All the candidates who were nominated by political parties and at the same time by other entities (citizens or citizens and labor collectives) were registered as candidates (33 people). The election authorities also registered 99% (89 of 90) of the candidates who were nominated by citizens through signature collection and labor groups at the same time. It is worth noting that this type of nomination was mostly used by the government-backed candidates.

Among the nominees, there were 28 current members of the House of Representatives and 43 members of local councils of deputies. All of them were registered. The proportion of women among the registered candidates was 25%.



Comparison of the results of registration of candidates in this year's elections with the results of earlier elections.

Year	Number of nominations	Number of withdrawn nominations	Number of denials of registration	Number of registered candidates	Percentage of denials
2008	365	5	84	276	23%
2012	494	9	122	363	24.7%
2016	630	16	93	521	14.8%

CAMPAIGNING

This year's elections were governed by the rules of the Electoral Code as amended on November 11, 2013, which established that the cost of production of printed campaigning materials should be paid only from the candidates' election funds. The state budget can only be used to manufacture and distribute general information materials about all the candidates.

The maximum amount of expenditure from the election fund cannot exceed 1,000 basic amounts. The fund may consist of personal donations of the candidate, as well as individuals (up to 5 basic amounts each) and legal entities (up to 10 basic amounts).

The law does not provide for observers and journalists' right to check the sources of donations and expenditures. The legality of the formation and expenditure of election funds can only be evaluated by the financial authorities and the CEC.

Campaigning should not contain propaganda of war or calls for a violent change of the constitutional system etc. It is also prohibited to campaign for the disruption or cancellation, or postponement of the elections appointed in accordance with the legislative acts of the Republic of Belarus.

Local executive committees select facilities for meetings of candidates with voters, as well as for campaigning meetings organized by the voters. The same procedure is used to determine locations for printed campaign materials.

Premises for meetings with voters are free of charge and are provided in the order of receipt of applications. Candidates have the right at the expense of their election funds to rent buildings and premises for meetings with voters, which are available on an equal footing.

Candidates from the time of their registration should on an equal footing enjoy access to the state-owned media, which, in turn, are obliged to provide equal opportunities to air the candidates' campaign speeches, to publish their election platforms and campaigning materials.

According to the CEC's Decision No. 32 of June 28, 2016, the candidates have the right to publish their election platforms in one of the nation-wide newspapers (*Zviazda*, *Narodnaja Hazieta*, and *Respublika*), or in the regional newspapers, or in the state-owned district (city) newspapers. The volume of this publication may not exceed two typewritten pages (no more than 4,000 characters including spaces).

The candidate is also entitled to one televised address and one radio speech of no more than five minutes each. If desired, at least two candidates can hold a televised debate in which each candidate is entitled to 5 minutes of airtime. Appearances on television and debates are aired on tape delay.

Candidates have the right to use their election funds for campaigning in the media on the basis of an agreement with the editorial board or the owner of an Internet resource.

Conditions for campaigning

Campaigning locations. The candidates had access to a wider choice of campaigning facilities as compared to earlier elections. Instead of selecting individual venues, the district executive committees allowed campaigning virtually everywhere. Exceptions were the railway stations, bus stations, some squares, places located within a certain distance (20-100 m) of the executive committees, courts, other authorities etc. Many suitable locations fell under such rules (e.g. plazas in front of the executive committees), but the candidates, including the opposition ones, freely staged their pickets there.

However, some local governments, such as in the cities of Hlybokaje, Smarhoń, Orša, Chocimsk, Čerykaŭ etc. still applied the negative practices typical of earlier elections.

Places for meetings with voters. Cultural centers, assembly halls of educational institutions, healthcare facilities and enterprises (in coordination with the administrations) were selected by the authorities as venues for meetings with voters. Observers generally described these places as suitable. In some regions, the list of these places was expanded. However, there were some exceptions. For example, in the Smarhoń-based electoral district No. 59, two out of five venues were extremely inconvenient for voters.

Locations for campaigning materials. Most observers reported that facilities for campaigning materials were suitable and, as compared to previous elections, the situation has not changed. Basically, such facilities were advertising and information pillars located in public places, at public transport stops, near the railway stations; information stands, bulletin boards owned by housing maintenance services, shop windows etc. The Mahilioŭ authorities allowed to ignore a requirement to agree on posting campaign materials with the administrations of these institutions and organizations, while in other regions covered by the observation such requirement remained unchanged. There were cases when the DEC's failed to check the status of places and selected some facilities that no longer existed in reality.

Abuse of administrative resources

Administrative resources were often used in support of the pro-government candidates. As a result, they enjoyed greater campaigning opportunities, which were inaccessible to other candidates. In particular, in most cases, it were the pro-government candidates who spoke at in-door meetings.

Dzmitry Zablotski, deputy CEO at *BelAZ* and a candidate in Žodzina-based electoral district No. 64, met with voters on the premises of the *BelAZ* and *Svitanak* enterprises. Valiantsina Razhanets, editor-in-chief of the *Slucki Kraj* newspaper and a candidate in electoral district No. 67, was allowed to meet with the employees of the PMK-226 enterprise and the Sluck Sugar Refinery. Ivan Markevich, chief of administration at the Minsk regional executive committee and a candidate in the Maladziečna-based electoral district No. 73, met with voters on the premises of village councils of Maladziečna district.

Vasil Chekan, head of the department for material reserves of the Ministry of Emergency Situations, who is running in the Viciebsk-based electoral district No. 19, failed to comply with the official schedule of meetings with voters and the boundaries of his electoral district. Together with another pro-government candidate, he spoke to voters in working hours in the Viciebsk Regional Philharmonic Society, which geographically belongs to another district (No. 20).

Extremely favorable conditions were enjoyed by candidate Dzmitry Zablotski, deputy CEO at *BelAZ* and a candidate in the Žodzina-based electoral district No. 64. His agent, chairperson of the Žodzina City Council Natallia Sushko said at a meeting with voters that the candidate was supported by the city government. On

August 26, Žodzina hosted an event used for campaigning for the same candidate. The meeting was advertised by the website of the Žodzina executive committee.

The websites of the district administrations of Minsk used a biased approach to publishing information about candidates' meetings with voters. These publications only advertised the campaign events of pro-government candidates, with no information on the activities of other candidates running in the same districts. The Babrujsk-based *Trybuna Pracy* newspaper published a schedule of meetings of only one of the five candidates for local electoral district No. 80, Babushkina Krynka Diary CEO Ihar Kananchuk. An analysis of the schedule of meetings shows that most of them took place during working hours.

The campaign's observers reported violations by pro-government candidates, who held their campaign activities at the expense of resources that were not part of their electoral funds.

On August 11, candidate Mikalai Rasokha running in the Mazyr-based electoral district No. 42, appointed his agent in charge of financial matters. On August 15, the Mazyr district office of the Trade Unions Federation held a rally to distribute printing campaign materials in support of Mikalai Rasokha, which was covered by the local TV channel. On August 19, the website of the Mazyr district executive committee published information on the collection and allocation of funds from the candidate's fund, from which it followed that Mikalai Rasokha had not spent any money. Distributing campaigning products that were manufactured at the expense of illegal funds is a direct violation of the Electoral Code.

Obstacles in campaigning

There were obstacles from the authorities that targeted individual candidates. Aliaksandr Kabanau, UCP's candidate in the Biaroza-based electoral district No. 9, was not allowed to meet with voters at the JSC *Biarozabudmateryjaly*, JSC *Biaroza Engine Plant*, JSC *Cieplaprybor*, and in the office of local road construction service.

Ivan Sheha, a candidate in the Slonim-based electoral district No. 58, faced obstacles during a rally in the village of Mižeryčy, Želva district, as well as when placing printed campaign materials in approved places of Slonim. Mikalai Charnavus, a UCP candidate in the Baranavičy-based electoral district No. 5, was not allowed to hold a number of pickets. The ban referred to earlier agreements with the opposition candidate's rival, current member of the House of Representatives Volha Palityka. Opposition candidates were not allowed to meet with labor groups on the territory of the Homieľ-based electoral district No. 36.

Candidate Aleh Aksionau, running for the Mahilioŭ-based electoral district No. 85, was not able to meet with voters in the premises of school No. 21, despite an advance agreement. Volha Damaskina, a BPF candidate running in the Polack-based electoral district No. 27, was not allowed to place campaigning posters in a local shop, while a pro-government candidate had been authorized to do so in the same outlet. Yury Liashenka, a candidate from the Belarusian Party of the Greens in the Svietlahorsk-based electoral district No. 46, also had to overcome administrative barriers to post his campaigning materials.

There were cases of discrediting opposition candidates. Videos with falsified sound were posted on the vk.com social network. Offensive content of these videos related to a joint picket staged by candidates Tatsiana Seviarynets (Viciebsk electoral district No. 18), Alena Shabunia and Heorhi Stankevich (both running in electoral district No. 19).

On August 6, the *voskresinfo.com* website published an article entitled "Election Backstage. Who's Behind the Candidate?". The publication targeted the election agents of several opposition candidates in Mahilioŭ.

Campaigning in the media

According to the Belarusian Association of Journalists, the pattern of covering the elections by government-controlled media did not provide for voters' joining the campaign. Attention was focused on the organizational and technical issues of the elections, rather than its actors. Absence of any discussion of the candidates' platforms in the state media has depolitized the electoral process and deprived it of true competition.

The CEC said that 385 candidates submitted their election programs for publication in newspapers. This represents 74% of the total number of registered candidates, or 79% of the number of candidates who continued to run for Parliament.

Local media wrote extensively about the pro-government candidates in the context of socially significant events. The press advertised incumbent MP Vadzim Dzeviatouski, who was running in the Navapolack-based electoral district No. 24, current MP and a candidate for Dokšycy electoral district No. 22 Uladzimir Andreichanka, incumbent MP and a candidate for Svietlahorsk electoral district No. 46 Halina Filipovich, MP and a candidate for the Hrodna-based electoral district No. 50 Viktar Rusak, MP and a candidate for Lida electoral district No. 55 Andrei Naumovich etc.

The activities of opposition candidates were almost completely ignored by the state-run media.

Mass Media Supervisory Board

Andrei Bastunets, chairman of the Belarusian Association of Journalists, was elected member of the Supervisory Board for Media Disputes, which is a positive step, as in earlier campaigns, representatives of the independent media or journalists' unions were never invited. However, on August 29 the Central Election Commission refused to invite a representative of the Belarusian Helsinki Committee to a meeting of the Supervisory Board. As noted in the CEC response, the electoral law only provides for the rights of national observers accredited by the election commissions to attend the meetings of these commissions. According to current practice, meetings of the Supervisory Board can only be attended by special media analysts of long-term international observation missions. In a telephone conversation with a representative of the Belarusian Helsinki Committee, Alena Dzmukhaila, head of the CEC's organizational and personnel department, said that international observers enjoyed greater rights than national ones. Experts of the campaign *Human Rights Defenders for Free Elections* point out that the work of the Mass Media Supervisory Board is still closed from the public, as the CEC does not inform about the nature of disputes and the results of their consideration.

Censorship

There were cases of censorship of candidates' speeches and election platforms (unauthorized editing etc.), although the current legislation does not provide for approving electoral texts by printing companies and does not impose such duties on the candidates themselves.

The Smarhoń-based TV channel cancelled the broadcast of a televised address by a UCP candidate Mikalai Ulasevich, which was scheduled for August 25. According to the BelaPAN news agency, Ulasevich spoke about the recent incident at the construction site of the Astraviec nuclear power plant and possible threats related to this. Earlier, the official newspaper of the Astraviec district executive refused to publish Ulasevich's election program. The ban argued that the candidate's platform failed to meet the requirements of Part 1, Art. 47 and Part 1, Art. 75 of the Electoral Code, which deal with the prohibition of incitement to

change the constitutional order, incitement of ethnic or social hatred and insulting and defaming officials. The editorial board offered to edit the text, instead.

Yury Khashchavatski, a candidate for the Svislač-based electoral district No. 93, was not allowed to speak on the local TV channel. His election platform was later rejected by the *Viačerni Minsk* newspaper. The newspaper's editor-in-chief referred to the requirements of Art. 47 and 75 of the Electoral Code.

EARLY VOTING

Early voting started on September 6 and ended on September 10, 2016.

364 short-term observers of the campaign *Human Rights Defenders for Free Elections* observed the phase of early voting throughout the five days at 182 polling stations across the country.

According to Art. 53 of the Electoral Code, a voter who has no opportunity to be present on the day of elections at the place of their living shall be entitled not earlier than five days before the election to come to the polling station and vote. The Code requires no official confirmation of the reasons for the impossibility of the voter to come to the polling station on Election Day.

Early voting is not conducted in sanatoria, preventoria, rest homes, hospitals and other stationary medical treatment and prevention institutions, for the citizens, serving sentences in the form of arrest, as well as citizens held in activity and therapy centers (LTPs).

Every day after the time of holding voting ends the chairperson or deputy chairperson of the precinct commission shall seal the slot for dropping ballot papers in the ballot box with a sheet of paper. The chairperson or deputy chairperson and a member of the precinct commission shall put their signatures on this sheet. Opening of the slot shall be done daily before the beginning of early voting by the chairperson or deputy chairperson of the precinct commission. The opening procedure may be attended by an observer. At the end of each voting day, the chairperson and deputy chairperson of the precinct commission shall compose a protocol where the number of ballots received by the precinct commission, the number of citizens who received the ballots for voting (on the last day of early voting – the total number of citizens who have received ballots for voting), the number of spoilt ballots and the number of the ballots not used shall be indicated. The protocol shall be signed by the chairperson or deputy chairperson and a member of the commission. A copy of the protocol shall be put up for general familiarization in the premises of the precinct commission.

As before, early voting was marked by administrative coercion organized by state-owned enterprises, institutions, universities and local executive authorities. In some cases, voters were forced to participate in early voting through elements of control over their participation in voting and threats of various disciplinary sanctions.

On September 6, Mahilioŭ State University hosted a meeting of Rector with the students, which, in fact, was used to order the students to vote early. During his speech, Rector Kanstantsin Bandarenka openly threatened the students who did not wish to vote with blacklisting them as 'losers'. Head of University's department of educational work Liudmila Nabokava warned that such students would be certainly found (an audio recording of the meeting was posted on the website of Viasna's Mahilioŭ branch).

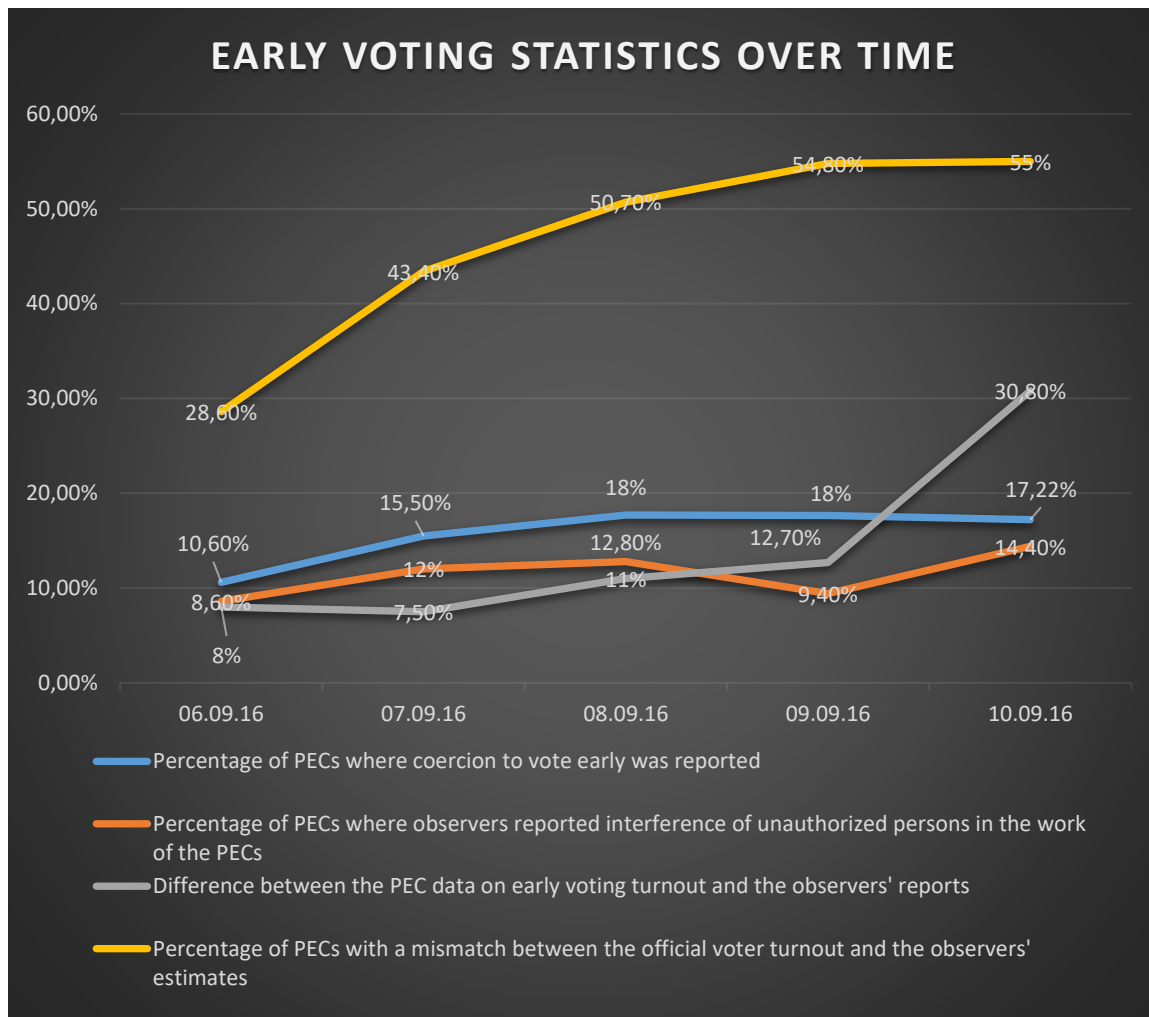
This is a gross violation of the constitutional rights of citizens and the principle of free participation in the elections. It also runs counter to the international principles of free and democratic elections.

Coercion to vote and the organized nature of early voting continued to be one of the key violations reported by the campaign's observers in at least 18% of the PECs.

Another common type of violation is a mismatch between the observers' reports and the official data on the number of early voters. In at least 55% of the PECs, the observers witnessed such discrepancies in voter turnout.

The total percentage of discrepancies in the data during the five days of early voting was a 14% overstatement. During the 2012 parliamentary elections, the total percentage of overstated turnout was 10.4%.

Observers also reported facts of interference in the work of elections commissions by unauthorized persons in at least 14.44% of the PECs.



5% of the campaign's observers encountered obstacles in the implementation of monitoring and refusals of election officials to provide information under the current electoral law. Observer Yury Belski was arbitrarily deprived of accreditation at polling station No. 28, DEC No. 27 in Polack.

An observer of the public association *Movement for Freedom* reported ballot stuffing in the ballot box for early voting on September 10 at polling station No. 625, DEC No. 108 in Minsk.

Representatives of the campaign *Human Rights Defenders for Free Elections* conclude that the practice of early voting remains one of the systemic problems of the country's electoral process and creates a broader

stage for various manipulation and falsification. In this regard, the OSCE ODIHR recommendations regarding changes to early voting procedures remain valid after the elections to the House of Representatives of the National Assembly of the Republic of Belarus of the 6th convocation.

VOTING ON ELECTION DAY AND VOTE COUNT

According to Art. 50 of the Electoral Code, voting is held from 8:00 to 20:00 hours. On Election Day, before the voting starts, ballot boxes should be checked and sealed. The ballot is issued to the citizen by a member of the PEC on the basis of the voter list upon presentation of a passport or other document specified by the CEC.

The PEC is obliged to provide the opportunity to participate in the voting to voters who for health or for other valid reasons cannot come to the polling station on Election Day. On the basis of oral and written requests from such citizens, the PEC organizes mobile voting procedures. No official confirmation of the reasons for the person's inability to come to the polling station is required.

The basic principle of the ballot counting is separate counting: first, the ballots from early voting ballot boxes are counted, then — ballots from the mobile ballot boxes, and finally — votes from the boxes for voting on Election Day. The results of this counting are announced, and then the results of separate counting shall tabulated at a meeting of the commission and recorded in the protocol on voting results. A copy of the protocol on the voting results shall be posted for public review. The observer has the right to make a copy of the protocol on voting results. This copy is not signed or sealed by the commission members.

It is essential that the law does not provide a description of the vote-counting procedure. This circumstance is one of the main problems of the Belarusian electoral legislation. The recommendations and proposals of the OSCE ODIHR and the campaign *Human Rights Defenders for Free Elections*, which were aimed at improving the counting procedures, were not taken into account by the authorities.

Reports from 326 polling stations covered by the observation of the campaign *Human Rights Defenders for Free Elections* were processed at 6 am, September 12, 2016.

Voting at the polling stations

Voting at the polling stations is traditionally held at a high technical level. Voting procedures generally meet the provisions of the Electoral Code. A positive step is expanded opportunities for participation in the vote of people with disabilities.

The impossibility to see the tables for the issuance of ballots, voting booths and ballot boxes was reported by the observers from 7% of the polling stations covered by the observation: PECs Nos. 320, 321, 322, DEC No. 100; PEC No. 28, DEC No. 33; PEC No. 85, DEC No. 93; PECs Nos. 4 and 13, DEC No. 25; PEC No. 24, DEC No. 6; PEC No. 50, DEC No. 63; PEC No. 11, DEC No. 64; PEC No. 1, DEC No. 84; PEC No. 62, DEC No. 85 and others.

The main reason for that was the fact that the observers were placed in inconvenient places, or at a distance from the table for the issuance of ballots.

Only 42% of the polling stations were accessible to people with reduced mobility. Where such conditions were not provided, in 65% of cases the commissions were able to assist a person with disabilities to enter the polling station. At 7% of the polling stations where there were voters with visual impairment, the PECs failed to provide opportunities to vote by means of a magnifying glass or a stencil.

Question	YES, %	NO, %
Were the observers provided with information about the number of voters at the polling station?	96.6%	3.4%
Were the observers able to learn the number of ballots received by the voters?	97.4%	2.6%
Were the observers provided with information about the number of voters who applied for mobile voting?	85%	15%
Were the observers able to see the tables for the issuance of ballots, voting booths and ballot boxes?	92.3%	7.7%
Were there any facts of issuing several ballots to one person?	2.6%	97.4%
Were there any cases of campaigning at the polling station?	2.2%	97.8%
Were there any complaints about the work of the commission?	16.7%	83.3%
Were the voters with visual impairment provided with the opportunity to vote by a magnifying glass or a stencil?	88.9%	11.1%
Was the polling station accessible to people with reduced mobility?	41.6%	58.4%

Mobile voting

As in previous elections, there were facts of organizing mobile voting without voters' proper applications. In particular, in the villages of Smaliavičy district, people voted by mobile ballot boxes both without proper requests and without a voter list.

In 68% of cases, the observers were allowed to follow the commission members to observe mobile voting procedures. Mobile voter lists contained persons who had not requested to vote at home in 14% of the polling stations covered by the observation, including PEC No. 8 in Navapolack DEC No. 24, PEC No. 61 in Biaroza DEC No. 9, PEC No. 39 in Mahilioŭ DEC No. 85, PEC No. 92 in Minsk DEC No. 93, PEC No. 6 in Polack DEC No. 28, PEC No. 10 in Brest DEC No. 2, PEC Nos. 1 and 10 in Mahilioŭ DEC No. 84.

Some polling stations were marked by an abnormally high number of mobile voters. For example, in PEC No. 28 in Barysau DEC No. 62, the observers documented only 86 requests from voters, while the opening of a mobile ballot box revealed 321 ballots.

At polling station No. 2 of electoral district No. 89 in the town of Hlusk, out of 1,439 voters who took part in the vote, 556 voted at home. This represents 39% of the total turnout.

The PECs usually included in mobile voter lists elderly people without their request, as well as persons with reduced mobility. However, there were instances when the lists featured voters without special needs.

During mobile voting at polling station No. 14 in Hrodna DEC No. 51 four citizens said they had not requested to vote at home, two of them refused to vote, and two more voted.

In 16% of the polling stations covered by the observation, the observers were not provided with monitoring information on the number of those who wished to vote at home.

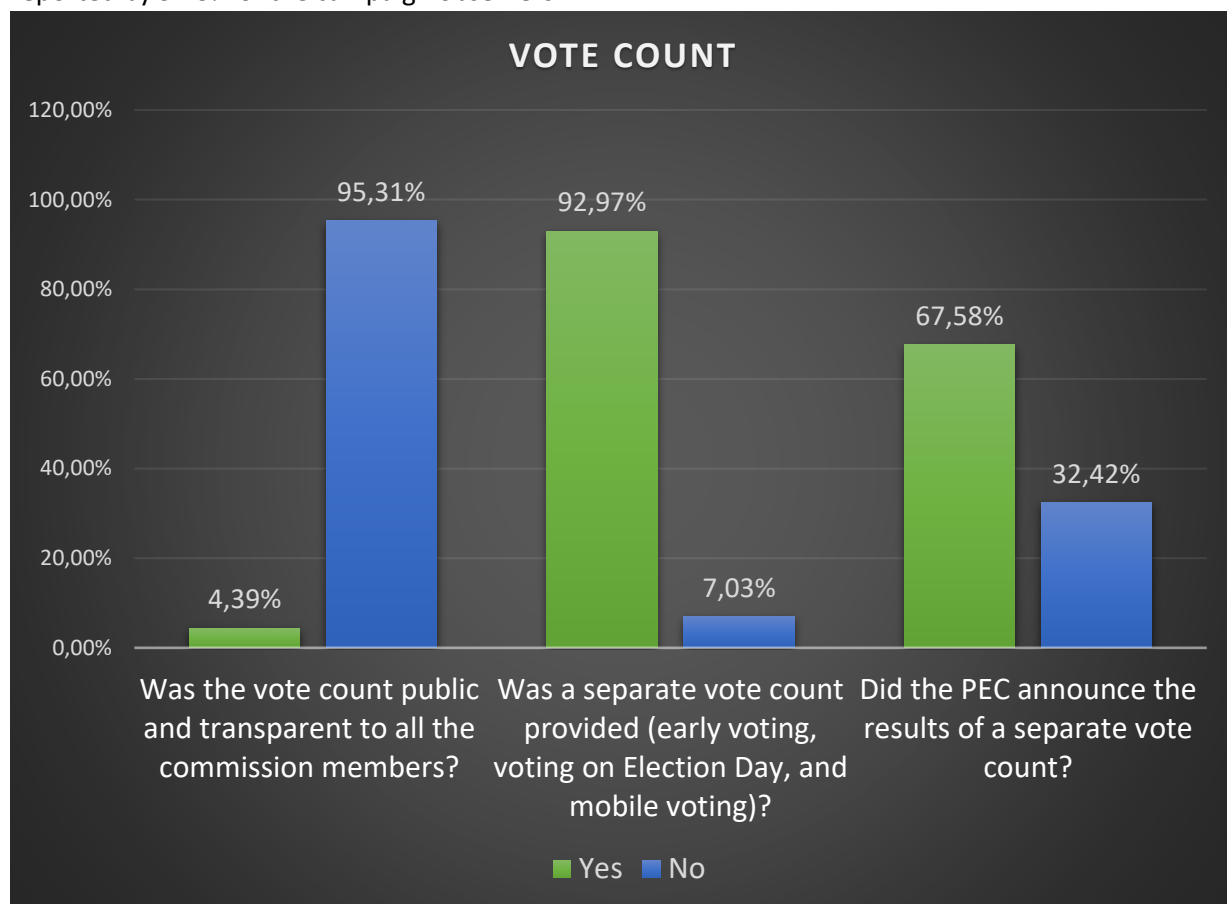
In 26% of the polling stations, the number of mobile voters did not coincide with the number of ballots used by the PECs.

During mobile voting in the temporary detention facility of the department of internal affairs of the Viciebsk regional executive committee, voters were issued ballots without proper check of their identity. Some voters faced problems with filling the ballots, after the police officers took their wire-rim glasses, and the PEC members did not have a magnifying glass or a voting stencil.

Question	YES, %	NO, %
Was there a separate list for mobile voters?	91%	9%
Were there any facts of entering persons who had not applied for mobile voting into the voter lists?	13.6%	86.4%
Were the observers provided with information on the number of persons who requested to vote at home?	84%	16%
Did the PEC members in charge of the organization of mobile voting receive the number of ballots corresponding to the number of voters on the list?	75%	25%
Were the observers allowed to follow the PEC members to observe the mobile vote procedures?	68%	32%
Were there any cases when voters said that they had not applied for mobile voting after they were visited by the PEC members?	11.7%	88.3%
Were there any cases of direct or hidden campaigning by the PEC members during the organization of mobile voting?	4.2%	95.8%
Were the mobile voter lists updated after 18:00 hours?	0%	100%
Were the mobile ballot boxes stored in a place visible for the observers?	91%	9%
Did the number of mobile voters coincide with the number of ballots used by the PEC members?	74%	26%

VOTE COUNT

95.31% of the campaign observers reported absence of transparent counting of the votes that would be visible to all the commission members and the observers. In the parliamentary elections of 2012, this was reported by 92.3% of the campaign observers.



Thus, the vote count at the majority of polling stations was not carried out in a transparent manner, with all the commission members counting the ballots simultaneously, without announcing the choice in each ballot. The observers (60.94%) reported that they were seated at such a distance from the table where the vote count was conducted that they were unable to see the content of ballots.

The joint and simultaneous counting of ballots by all the PEC members made it impossible to monitor the vote-counting procedure. 85.94% of the observers noted that they could not see the content of ballots. 89.64% said that the commissions did not consider the complaints received at the meeting of the PECs.

The opacity of the vote-counting procedure does not allow to draw conclusions about the actual will of the voters, and repeats the negative practices of previous election campaigns.

COMPLAINTS AND APPEALS

According to official information of the CEC, as of September 16, 1,716 complaints and appeals were submitted to deal with the preparation and conduct of the elections, of which 82 (4.7%) related to the issues not associated with the preparation and conduct of the elections, 87 (5%) — to the issues related to the interpretation of the electoral legislation, and 229 (13%) — to other issues related to the preparation and conduct of the elections. During early voting, according to the data, there were 938 complaints.

A significant part of appeals and complaints dealt with voting procedures and the counting of votes, 589 (34%). At the stage of election campaigning, 139 appeals were filed (8%); at the stage of nomination and registration of candidates 114 complaints were submitted (6.6%). 115 complaints (6.7%) were filed to challenge the recognizing of the elections as invalid and to request a recount of the votes; the activities of election commissions were appealed in 250 complaints (15%).

According to the CEC, the majority of complaints were received by the DEC's (524 or 30%). It should be pointed out that 486 applications (28%) were received by the PECs, most of them dealt with the voting and the counting of votes (63%).

Noteworthy is the negative practice not to provide information on the number of disputes considered by the election commissions and the courts. The Central Election Commission published statistics on all appeals in general, instead. At the same time, the data do not specify the number of complaints that were submitted in the cases related to the Electoral Code: appeals against decisions of local executive committees on the formation of election commissions, decisions of election commissions on the refusal of registration to nomination groups and candidates, imposition of warnings to nomination groups and candidates etc.

According to experts of the campaign *Human Rights Defenders for Free Elections*, lack of statistical information on electoral disputes is not conducive to the implementation of the principle of openness and transparency of the elections, enshrined in Art. 13 of the Electoral Code.

According to the CEC's decision No. 22 of June 8, 2016 "On informing the citizens about the work for the preparation and holding of elections to the House of Representatives of the National Assembly of the sixth convocation", the regional (Minsk city) executive committees on their official websites in special sections "Vybary-2016" should publish decisions of the TECs and DEC's on electoral disputes. However, in practice most of these decisions were not made public.

In some cases, executive committees only published summaries of the decisions taken. This practice may be due to the fact that the electoral law does not define the term 'electoral dispute'. The CEC's Guidelines for the DEC's and TEC's approved by decision No. 9 of 17 May, 2016 provides no explanation as to which appeals can be considered an electoral dispute.

According to the official websites of regional courts and the Minsk City Court, eight appeals were submitted against joint decisions of the presidiums of Regional (Minsk City) Councils of Deputies and regional (Minsk City) executive committees on the formation of regional and district election commissions. None of the complaints was met.

Thirteen appeals were filed against decisions of local executive committees on the formation of the PECs, according to the campaign's lawyers, of which none was met. No general statistics is available on appeals against decisions on the formation of the PECs, as the courts did not publish their decisions.

Twenty-one appeals were filed in the TECs to challenge decisions to refuse registration of candidates, one of them was met. The courts received 16 appeals against decisions of the TECs to dismiss the complaints of potential candidates, three of them were met.

According to the CEC, 139 complaints were filed at the stage of campaigning. As already noted, the CEC failed to specify what percentage of this figure were appeals, nor did it report what questions were dealt with in these communications. It is still a matter of concern that the websites of local executive committees published only a few decisions taken by the CEC, making it impossible to collect general statistics on campaigning-related complaints.

For example, according to the lawyers of the campaign *Human Rights Defenders for Free Elections*, 22 complaints were filed, while less than 10% of the decisions on these complaints were published. These complaints generally concerned the following violations of the electoral legislation: violation of the requirements on imprint in campaigning materials; refusals of printing firms to manufacture campaign materials; obstacles in campaigning during pickets; changes in the candidates' curricula vitae; failure to publish election programs; refusal to air TV appearances of candidates; use of administrative resources by the pro-government candidates.

As before, this year's parliamentary elections were marked by arbitrary interpretation of the Electoral Code rules of appealing. Thus, according to the electoral law, complaints are usually submitted within three days after the adoption of a corresponding decision. Since the running of the time limits is not set by the Electoral Code, lawyers of the campaign *Human Rights Defenders for Free Elections* insist that the general rules defined in the Civil Procedure Code should be applied in these cases (the period for filing a complaint should be measured from the following day). But in practice, the courts and election commissions interpret the rule in a restrictive way counting the day of the adoption within three days scheduled for appealing. If the decision is adopted in the evening, and the decision itself is usually handed out the following day, many complaints miss the deadlines and, accordingly, are not considered.

These cases are examples of restricting the right to appeal against illegal decisions. We believe that this problem must be resolved through appropriate additions and changes to the Electoral Code.

After Election Day, the Central Election Commission considered two complaints of former candidates, who asked to invalidate voting results in their electoral districts. The complaints were filed by Viktor Mikhalyuk, who ran in the Hrodna-based electoral district No. 5, and Siarhei Kaliakin, a candidate in the Orsha-based electoral district No. 25. The candidates argued that the election commissions in the districts were formed with gross violations. In addition, there were unreasonable restrictions on election campaigning, obstacles to observers working at the polling stations, rigged voter turnout, and other abuses. Having considered the complaints, the CEC said it "did not establish violations of electoral law committed during elections or during the vote count, which influenced the results of elections or did not allow to reliably determine the results of the voters' will."

It should be noted that the Electoral Code does not provide for the possibility to appeal against the CEC decisions, which were taken on the complaints of candidates asking to recognize the elections as invalid. According to the Electoral Code, the candidate may only appeal to the Supreme Court against the CEC decision to invalidate the election. In general, the right to judicial review of actions and decisions taken by election commissions is only limited by cases expressly provided for in the Electoral Code, which contradicts the constitutional right of access to court.

RECOMMENDATIONS

Recent amendments to the Electoral Code did not take into account the majority of recommendations made by the OSCE ODIHR and the Venice Commission following the observation of previous elections, as well as proposals of the campaign *Human Rights Defenders for Free Elections*. Most of these recommendations have not lost their relevance after the presidential election of 2015. The election showed that with no detailed regulation of the procedure for the formation of election commissions, voting and vote count it is impossible to ensure the holding of elections that would meet international standards for free and fair elections, in particular the OSCE 1990 Copenhagen Document.

The campaign also stressed the need to ensure true equality of candidates in the field of access to the media and the expansion of observers' rights. The below proposals on reforming the electoral law would bring Belarusian elections in line with international standards and increase confidence in the results of the elections both on the part of the citizens of Belarus and the international community.

Election commissions

The Electoral Code should be amended with a provision that would secure the guarantees of membership in the election commissions for representatives of political parties and contribute to a pluralistic composition of the commissions. It is necessary to ensure that the political parties participating in the elections, including parliamentary elections, enjoyed the right to delegate one representative to each of the territorial, district and precinct election commissions. Local administrative and executive bodies cannot have the right to claim the vacant seats in the election commissions except in case a political party has not used this right. Similarly, the priority right to nominate their representatives to the election commissions should be enjoyed by the candidates. In addition, the criteria for selecting candidates to the election commission (delegating by a political party, education, other professional knowledge) should be legislatively defined, which would reduce the possibility of their arbitrary selection and could be taken into account by the court when considering corresponding complaints.

Registration of candidates

It is necessary to exclude the possibility of using administrative resources in collecting signatures, in particular, to prohibit the collection of signatures by unauthorized persons. In addition, it is necessary to provide for the right of observers to be present during the verification of signatures submitted for the nomination of candidates.

Voter lists

For the sake of increasing the transparency and accountability of the voter registration process, it is necessary to create a national voter list. Citizens and observers (including election agents, media representatives and international observers) should enjoy full access to the list. Every citizen shall have the right to have access to voter list before voting. In addition, observers should be able to have access to these lists during voting. The number of voters registered at the polling station should be announced by the election commissions before voting and after its completion. It is necessary to create a single register of all voters of the Republic of Belarus.

Election financing

The Electoral Code allows the CEC to independently administer the state budget funds for the production of information leaflets with the general information about the candidates, instead of financing costs associated with the candidates' printed campaign materials. This resulted in a low activity of most of the

candidates in the production of campaign materials. Therefore, it is necessary to re-enforce at the legislative level the state funding of candidates' costs of printed campaign materials. This should include the possibility of opening special funds from the moment of registration of nomination groups for the payment of expenses associated with collecting signatures for the nomination of the candidates, by analogy with the presidential election.

Campaigning

The legislation provides a period of no more than 1 month for the duration of the election campaign. This rule limits both the candidates' opportunity to campaign and the citizens' right to obtain full information about the candidates and their election platforms. It is proposed to extend campaigning period for up to at least two months. In addition, it is necessary to discharge the entities in charge of political advertising of any liability for the content of advertising provided by the candidates or political parties.

Judicial appeals against decisions relating to elections

The Electoral Code provides for a limited list of grounds for submitting appeals to the courts. It is necessary to provide for the possibility of judicial review of any decisions by election commissions and other state bodies in matters relating to elections. First of all, it is necessary to allow the judicial review of decisions of the DEC, which approve the election results.

Early voting

The procedure for early voting in its current form allows the authorities to carry out various manipulations during the vote count. In this connection, it is proposed to consider the complete abolition of early voting.

If early voting is not canceled, it is proposed to introduce criteria, compliance with which gives the voter the right to vote early. Such criteria should be grounds, which clearly prove the impossibility for the voter to vote on Election Day, e.g. a departure abroad or other documented evidence.

The legislation should also specify in detail the procedure for the storage of ballot boxes during early voting and the sealing of the premises where the ballot box is stored. It is necessary to prohibit the presence of unauthorized persons, including police officers, in the voting premises and rooms, in which the ballot boxes, ballots and other election materials are stored. It is also necessary to provide for the right of observers to be present on the premises for voting outside the working hours of election commissions (lunch break, period after the end of voting) in cases when members of the election commissions choose to stay.

Every PEC should be provided with single-part transparent ballot boxes with plastic tapes for sealing (with individual polling station numbers). Online surveillance throughout the days of early voting should be organized. Every PEC should also be provided with individual seals bearing an individual number. The security of ballots should be provided with corresponding signs.

Mobile voting

It is necessary to determine that the right to mobile voting should be enjoyed by persons with significant health problems (documented by certificates issued by a healthcare institution), which prevent them from arriving at the polling station. The Electoral Code should specify that the citizen's right to vote under mobile voting procedures only occurs after the transfer to the PEC on Election Day of a written request about the impossibility of voting at the polling station.

Vote count

The current counting procedure is not transparent. One of the main reasons for this is the absence of a detailed description of the vote counting process in the Electoral Code. In this connection, it is necessary to legislate the following principles of the procedure of vote counting: counting of the votes shall be carried out publicly in the presence of observers who can monitor the accuracy of the voters' choice on each ballot (i.e. to see the content of each ballot); counting of the votes shall be conducted by one of the commission members, who shall announce the voter's choice and display each ballot to all the commission members and observers; counting of the votes shall be separate for each ballot box, and the results of separate counting of the votes shall be reflected separately for each ballot box in the final protocol. A copy of the final protocol shall be certified by the chairperson and secretary of the election commission, secured by the commission's seal and issued to the observers at their request.

It is also proposed to legislate the right of observers and candidates' agents registered with the TECs to attend and observe the procedures for the transfer of ballots and protocols with voting results from the polling stations to the TECs. It is necessary to provide for the possibility of publishing on the website of the CEC of voting results in all electoral districts with separate voting results for each polling station.

Election observation

In order to strengthen confidence in the elections in Belarus, it is necessary to expand the rights of observers through amending electoral legislation. The observers should enjoy the right to access the materials of the commissions relating to its composition, the types of nomination of its members, voter lists, storage of ballots and ballot boxes during early voting, as well as to use video and photo equipment during the implementation of election observation.

LIST OF ABBREVIATIONS

OSCE – Organization for Security and Cooperation in Europe

UCP – United Civil Party

DEC – district election commission

ODIHR – Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe

BPF – Belarusian Popular Front

LDP – Liberal Democratic Party

RPLJ – Republican Party of Labor and Justice

CIS – Commonwealth of Independent States

TEC – territorial election commission

PEC – precinct election commission

CEC – Central Election Commission