



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

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 is 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*

Report on Election Campaigning

CONCLUSIONS

- the campaign was held within the time limits set by the Electoral Schedule (from the date of the registration of candidates on September 10, inclusive); the campaign was largely low key, failing to attract much public attention;
- in most regions, the conditions for campaigning were improved as compared to the elections of 2012 and 2015; some regions preserved the negative practices of earlier campaigns;
- 525 candidates were registered, of which 40 withdrew; the election authorities cancelled the decision to register one of the candidates;
- only 322 candidates created their election funds, representing 67% of the registered applicants (484);
- 43% of the observers reported that the local authorities provided the candidates and their agents with unauthorized premises for meetings with voters; 55% of the observers said that all the candidates in their districts were on an equal footing to meet with voters in these areas; in 13% of the electoral districts, local authorities did not allow individual candidates to meet with voters in the premises or conduct mass events;
- 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;
- all the candidates had the opportunity to appear on TV and had their election platforms printed in the state-owned media, but some refused to do so; 416 candidates presented their televised speeches (80% of the total number of registered candidates and 85% of the number of candidates who continued to run for Parliament); 380 candidates spoke on the radio (72% of total number of registered candidates and 77% of those who continued to run for Parliament); 227 candidates appeared in televised debates (43% of total number of registered candidates and 46% of those who continued to run for Parliament);
- 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.

LEGAL FRAMEWORK

The procedure of campaigning is regulated by the Electoral Code and decisions of 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.

Applications for premises should be submitted by candidates, their election agents and voters to the corresponding election commissions not later than two days before the scheduled date of the event. Premises for meetings with voters, election meetings 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.

For the organization of mass events, candidates and their agents shall give notice in the local executive and administrative body not later than two days before the scheduled date of the event.

According to Art. 46 of the Electoral Code, 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.

Decision No. 32 by the Central Election Commission of June 28, 2016 approved the Regulations on the use of the media by candidates for the House of Representatives of the sixth convocation. According to the regulation, the candidates have the right to publish their election platforms in one of the nationwide 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. At the same time, the latter have the right to determine the terms of airtime and space for publication, as well as the prices of the services provided, which should be uniform for all candidates.

The current election campaign is administered by the Electoral Code as amended on November 25, 2013, which established that the cost of production of printed campaigning materials should be paid only from the candidates' election funds. The state budget is only used to manufacture and distribute general information materials about all the candidates.

The procedure for establishment and use of the candidate's election fund is determined by a regulation approved by CEC's decision No. 30 of June 8, 2016. 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 regulation 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.

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.

According to the CEC, as of September 8, over the period of the election campaign the candidates and their agents filed 988 notifications for 180,830 mass campaign events under the simplified procedure. Of these, 488 notifications were filed in Minsk (50%) of the 173,717 mass events (96%).

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, 2 out of 5 venues were extremely inconvenient for voters.

According to the CEC, 1,145 applications were submitted for premises to accommodate 3,791 meetings of candidates and their agents with voters. In contrast to street events, there were few meetings with voters in Minsk (90 applications to hold 297 meetings — 8% of the total number of applications and meetings). Most applications for meetings with voters were submitted in the Minsk and Viciebsk regions — 401 (35%) and 258 (23%), respectively. The greatest number of scheduled meetings was reported in the Viciebsk region — 1,015 events, or 27% of the total number of meetings, as well as in the Minsk region — 960 (26%).

Locations for campaign materials. Most observers reported that facilities for campaign materials were suitable and, as compared to previous elections, the situation has not changed. Basically, such facilities were advertising and information pillars 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 Zablotki, 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 published incorrect or false 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, Zel'va 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 "Elective Backstage. Who's Behind the Candidate?". The publication targeted the election agents of 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 does not provide for voters' joining the campaign. Attention is focused on 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 says 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 have written extensively about the pro-government candidates in the context of socially significant events. The press advertised incumbent MP Vadzim Dzeviatouski, who is 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 Viktor 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.

APPEALS

According to the CEC, as of September 7, 108 complaints and appeals were submitted in cases related to election campaigning. The CEC does not specify how many appeals have been received and what issues were raised in these communications. It is still a matter of concern that the websites of local executive committees only publish separate decisions of election commissions. In particular, 22 appeals have been submitted, according to information provided by the lawyers of the campaign *Human Rights Defenders for Free Elections*, while less than 10% decisions in the disputes have been published.

These appeals 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 pro-government candidates.