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Observation of the parliamentary elections in Belarus (11 September 2016)

Election observation report

Ad hoc Committee of the Bureau

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1. Introduction

1. At its meeting on 26 May 2016, subject to receiving an invitation, the Bureau of the Parliamentary Assembly decided to observe the parliamentary elections in Belarus; constituted an ad hoc committee for this purpose composed of 11 members, as well as the rapporteur of the Committee on Political Affairs and Democracy on “The situation in Belarus”; and authorised a pre-electoral mission to take place one month before the election.

2. On 16 June, the Assembly received the invitation of the Chairperson of the House of Representatives of the National Assembly of the Republic of Belarus to observe the elections. On 24 June, the Bureau approved the composition of the ad hoc committee and appointed me as chairperson. The composition of the ad hoc committee is set out in Appendix 1.

3. The pre-electoral delegation visited Minsk from 8 to 11 August 2016 to evaluate the state of preparations and the political climate in the run-up to the parliamentary elections on 11 September 2016. The multiparty delegation was composed of myself, Aleksander Pocij (Poland, EPP/CD), Goran Tuponja (Montenegro, ALDE), Ingebjørg Godskesen (Norway, EC) and Andrea Rigoni (Italy, ALDE), rapporteur on “The situation in Belarus” of the Committee on Political Affairs and Democracy.

4. The pre-electoral delegation, in the statement issued at the end of the visit, recalled that the Assembly, in its report on the observation of the presidential election in 2015, had highlighted that “Belarus needs to reform its electoral legislation to ensure a thoroughly competitive political environment which is a key condition



for the long-term democratic stability of the country". Recent amendments to the electoral legislation in October 2015 failed to address some of the key recommendations of international organisations, including those of the Council of Europe's European Commission for Democracy through law (Venice Commission). The declaration issued by the pre-electoral delegation at the end of its visit is set out in Appendix 2.

5. As regards the election observation, the ad hoc committee was part of the international election observation mission (IEOM) which also comprised observers from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE) and the election observation mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR).

6. The ad hoc committee went to Minsk from 9 to 12 September 2016. It met the leaders and representatives of main parties or their representatives, the Chairperson of the Central Election Commission (CEC), the Head of the OSCE/ODIHR election observation mission and the members of the core team, representatives of civil society, international organisations and the media. The programme of the ad hoc committee's meetings is set out in Appendix 3.

7. On polling day, the ad hoc committee split into eight teams deployed in Minsk, Vitebsk, Borisov and surrounding areas.

8. The international election observation mission concluded that the "parliamentary elections were efficiently organised and there were visible efforts to address some long-standing issues, but a number of systemic shortcomings remain. ... Voting was calm and well-organised, although there were concerns regarding the counting. However, elections are not limited to voting day only, and these elections showed that Belarus, as a European country, needs a truly competitive political system in order to realise its democratic potential. It is therefore vital to begin immediately the necessary reform of the legal framework, so as to enable the creation of such a system, which is a key element for democratic stability. PACE and the Venice Commission stand ready to co-operate with Belarus in this regard". The press release of the international election observation mission published following the elections appears in Appendix 4.

2. Relations between the Parliamentary Assembly and Belarus in recent years

9. The Parliamentary Assembly observed parliamentary elections in Belarus for the first time in 1995. In 1996, the Assembly observed the Constitutional referendum and the parliamentary elections. On 13 January 1997, the special guest status of the Parliament of Belarus was suspended by the Bureau of the Assembly. In September 2001 and October 2015, the Assembly observed the presidential elections.

10. On 29 April 2010, the Assembly adopted [Resolution 1727 \(2010\)](#) "The situation in Belarus: recent developments" in which it decided to suspend its high-level contacts with the authorities of Belarus, having noted a "lack of progress" towards Council of Europe standards and a "lack of political will" on their part to embrace its values.

11. On 22 and 25 August 2010, Ms Sinikka Hurskainen, as a rapporteur, went to Belarus in the framework of the presidential election of December 2010. On 6 October and on 18 November 2010, the Committee on Political Affairs and Democracy held two hearings concerning the presidential election, with the participation of representatives of the majority and of the opposition in Belarus.

12. The crackdown on protesters contesting the 2010 presidential election results prompted an urgent debate during the January 2011 part-session, which led to the adoption of [Resolution 1790 \(2011\)](#) on the situation in Belarus in the aftermath of the presidential election. The Assembly reaffirmed its decision to put on hold its high-level contacts with the authorities and called on the Bureau of the Assembly not to lift the suspension of the special guest status for the Parliament of Belarus.

13. On 10 March 2011, the Bureau of the Assembly set up an ad hoc committee on recent detentions, prosecutions and convictions of members of the opposition in Belarus. A report covering the period from 19 December 2010 to 1 October 2011 was made public by decision of the Bureau on 7 October 2011. The continuing deterioration of the situation of human rights and civil and political liberties throughout 2011 led to the adoption of [Resolution 1857 \(2012\)](#) and [Recommendation 1992 \(2012\)](#) on the situation in Belarus, on 25 January 2012.

14. In 2013, at the request of the then President of the Assembly, Mr Jean-Claude Mignon, the Political Affairs Committee decided to organise an exchange of views on 27 June, with the participation of a delegation from the House of Representatives of the National Assembly of the Republic of Belarus, composed of chairpersons of different standing committees and the Head of the Working Group on the Death Penalty.

15. On 10 April 2014, Mr Andrea Rigoni (Italy, ALDE) was appointed rapporteur of the Committee on Political Affairs and Democracy on "The situation in Belarus". He was invited by the Belarusian Parliament to visit the country on 25 and 26 February 2015. While welcoming the openness of the authorities of Belarus, the rapporteur reiterated the Assembly's non-negotiable position on the establishment of a moratorium on executions with a view to abolishing the death penalty, as well as the release of all political prisoners. At the same time, he also stressed that "it is time for Belarus and the Assembly to start looking in the same direction, build mutual trust and set up an honest, transparent and regular collaboration".

16. Upon Mr Rigoni's proposal, a delegation of the Belarusian Parliament, along with opposition forces, was invited to a regional conference for eastern partnership countries organised by the Parliamentary Assembly on 4 and 5 June 2015 in the French National Assembly in Paris. The theme of the conference was "The implementation of the right to free elections: the challenge of implementing the electoral laws and the respect for Council of Europe standards".

17. In 2015, the Assembly observed the presidential election in Belarus in the framework of the international election observation mission (IEOM) which also comprised observers from the Parliamentary Assembly of the OSCE and the OSCE/ODIHR election observation mission.

18. The Assembly election observation delegation concluded that the presidential election of 11 October 2015 had shown that "Belarus still had a considerable way to go in honouring its commitment to hold democratic elections. On polling day, voters had been able to make their choice in a transparent manner in the presence of many domestic and international observers. However, counting procedures needed to be improved considerably. An election was not limited to polling day. Consequently, Belarus needed to reform its legal framework to ensure a thoroughly competitive political environment, which was a key condition for the long-term democratic stability of the country".

19. Of the four candidates, the incumbent President [Alexander Lukashenko](#) was elected with 83.5% of the votes (5 102 478 votes), Ms Korotkevich 4.4% (271 426 votes), Mr Haydukovich 3.3% (201 945 votes) and Mr Ulakhovich 1.7% (102 131 votes). The turnout rate was 87.2%. Mr [Alexander Lukashenko](#) was re-elected President of the Republic of Belarus; he has been the President since 1994.

20. In 2016, the Parliamentary Assembly continued its co-operation with the authorities of Belarus on election-related issues. On 18 May 2016, on the initiative of the Assembly and in close co-operation with the Central Election Commission of Belarus, a seminar was organised in Minsk on electoral standards and improvement of the electoral process in Belarus. This one-day seminar was hosted by the Belarusian Parliament and brought together members of the Parliament of Belarus, of the Parliamentary Assembly and of the European Parliament, representatives of the CEC of Belarus, the Venice Commission, OSCE/ODIHR and various non-governmental organisations (NGOs). The discussions were aimed at evaluating the conclusions of the different election observation mission reports and opinions including those of the Assembly, the Venice Commission, the OSCE/ODHIR and the Community of Independent States, and possible improvements to be adopted in the short term before the parliamentary elections of 11 September 2016.

21. There was general agreement on the necessity to improve several points in order to bring the whole electoral process in Belarus in line with European standards, in particular in view of the forthcoming parliamentary elections on 11 September 2016. Participants at the seminar discussed, in particular, the registration process for the candidates, the capacity to provide updated voters' lists, the composition of different election commissions, the possibility for persons in pre-trial detention to vote, the control of mobile voting procedures and the organisation of mass events related to elections.

22. On 21 and 22 May and on 4 July 2016, in the framework of the activities of the Assembly in the Eastern Partnership Programmatic Co-operation, the members of the Parliament of Belarus and the CEC participated in seminars on media and election issues which took place in the House of Commons of the United Kingdom in London and in the Bundestag in Berlin.

3. Political context and legal framework

23. The Republic of Belarus has a strong presidential system, the President has extensive powers, including the authority to dissolve the lower and upper houses of parliament, to issue presidential decrees which have the force of law when the legislature is in recess, to declare a state of emergency or to impose martial law.

24. The National Assembly is composed of two chambers, the House of Representatives and the Council of the Republic.¹ The House of Representatives is composed of 110 members, elected for a four-year term from single mandate constituencies using a majoritarian system (Article 82 of the Electoral Code). The House of Representatives has little real power and has little control over government spending; it cannot pass a law to increase or decrease the budget without presidential consent.

25. The Constitution guarantees universal, equal, and direct suffrage by secret ballot. The parliamentary elections are regulated by the Constitution,² the Electoral Code (as last amended in October 2015),³ the Law on Political Parties, the Law on Mass Media and the decisions and instructions of the Central Electoral Commission (CEC). Recent amendments were introduced in 2013 and in 2015, but they did not address some of the key recommendations of international organisations, including the ones set out in the Venice Commission and OSCE/ODIHR Joint Opinion issued in 2010,⁴ and they were not preceded by public consultations with relevant stakeholders.

26. In previous elections, results were only valid in constituencies where voter turnout was over 50% of registered voters in the first round or 25% in the second round. The OSCE/ODIHR recommended removing the turnout requirement for elections to be deemed valid, at least in the second round of elections, to avoid the possibility of indefinitely repeating elections. In October 2015, the Code was changed and the second round was eliminated. According to the new wording of Article 82, “the candidate for the House of Representatives is considered elected if he received the majority of the votes of the voters who took part in the elections. If the voting is on the single candidate than he is considered elected if he received more than half of the votes of the voters who took part in the elections”. In this regard, in the 11 September parliamentary elections no candidate was elected unopposed.

27. The party system in Belarus is weak, even though, according to the Constitution, political parties “contribute towards ascertaining and expressing the political will of the citizens and participate in elections” (Article 5). The Belarusian authorities have not registered a single new political party since 2000, and political parties are repeatedly denied registration. There are 15 registered political parties and a number of parties and groupings that function without formal registration.

28. On 12 February 2016, the authorities of Belarus established the Interagency task force of experts.⁵ The Assembly’s pre-electoral delegation, during its visit to Minsk was informed about the work of this Interagency. The aim of the Interagency task force was, in line with the recommendations made by the OSCE/ODIHR, to prepare measures to improve the electoral process.

29. In May 2016, the CEC adopted some procedural changes, in line with the results of the work of the Interagency task force of experts on electoral issues and with the OSCE/ODIHR’s previous recommendations:

- candidatures nominated to the election commissions would be discussed at the sittings of the bodies responsible for the formation of election commissions and the decision on each nominee would be taken by preferential voting;
- decisions of the election commissions regarding electoral disputes would be made public on the Internet, *inter alia* on the CEC website, as well as websites of the relevant regional authorities;
- more substantive safeguards concerning the safety of the ballot boxes throughout early voting would be applied, for example the CEC recommended polling station commissions (PSCs) using single-use plastic seals for ballot boxes;
- international observers, as well as local observers who are accredited with relevant district election commissions (DECs), would be allowed to be present at DECs’ premises to observe the handing over of the PSCs’ protocols on the results of the polling station voting;

1. The candidates for the Council of the Republic were registered at the CEC from 20 to 24 August, 64 members were elected from 25 August to 13 September at the meetings of the local base-level Councils of Deputies of the regions and Minsk City Council deputies.

2. [Constitution of the Republic of Belarus of 1994](#).

3. [Electoral Code of the Republic of Belarus](#), 11 February 2000, No. 370-Z, amended on 4 June 2015.

4. [Joint Opinion on the Amendments to the Electoral Code of the Republic of Belarus](#), Council of Europe Venice Commission and OSCE/ODIHR, CDL-AD(2010)012, June 2010.

5. The Interagency Working Group was established by a CEC resolution and comprised one CEC member, deputies of the National Assembly, representatives of the Secretariats of the House of the Representatives and the Council of the Republic, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Information and the National Centre for Legislation and Legal Research.

- observers during early voting and election day voting would be entitled to get information on the number of voters on the voter list, as well as on the number of voters who have received a ballot;
- the CEC has determined the place for PSC members and observers during the count of votes so as to allow for a clear observation of the counting procedures;
- the CEC has also recommended that local authorities allow candidates and their proxies to carry out election campaigning in any public places except those included in the list of places where public events are prohibited in general.

30. The Assembly's pre-electoral delegation, in its statement at the end of the visit, welcomed the CEC decision and the work of the Interagency task force and asked the relevant authorities to fully implement the CEC decisions and expressed the hope that this body would continue its work after the parliamentary elections in closer co-operation with the Venice Commission and the OSCE/ODIHR.

31. In general, the legal framework contains undue restrictions concerning discretionary powers to deny registration or de-register political parties and public associations; criminal and administrative offences (defamation, libel, insult as well as calls or acts to disrupt, cancel or postpone elections); a burdensome procedure for holding public assemblies; and disproportionate sanctions for unauthorised meetings.

4. Election administration, registration of voters and candidates

32. Elections are administered by the Central Election Commission (CEC), six Oblasts and the Minsk City Election Commission, 110 district election commissions (DECs) and 5 971 polling station commissions (PSCs), including 47 PSCs abroad.

33. The CEC is a permanent body, appointed for a five-year term in 2011, DECs and PSCs are appointed on a temporary basis by regional or local authorities. The president of Belarus appoints six of the twelve members of the CEC, including the chairperson, and can dismiss all of its members. The other six members of the CEC are appointed by the upper house of the parliament. At the CEC level, political parties can appoint extra members to the commission, who do not have voting rights. Although the opposition parties have often appointed members to the CEC, their voice had no impact on the decision-making process.

34. Concerning the composition of PSCs, the pre-electoral delegation of the Assembly was informed, by interlocutors representing the opposition, international community and civil society, that the formation of the PSCs was unbalanced: only 0.1% of the total 65 856 PSC members came from opposition parties. This situation raises concerns about the independence of the election administration. In this regard, the Assembly's pre-electoral delegation noted in its statement that a politically balanced membership of election commissions is a key factor to enhance voters' confidence in the integrity of the electoral process.

35. The CEC stated that it had adopted a decision under which local authorities would need to provide written explanations for their rejection of candidates for members of election commissions from parties or public associations. Nonetheless, various opposition representatives said that the membership of the DECs and PSCs was unbalanced. The CEC Chairperson made a number of biased public statements that undermined the perception of impartiality of the election administration.⁶

36. Following an open and unrestricted invitation to the observing institutions, the CEC displayed a welcoming attitude towards international observers, including ODIHR long-term observers, without imposing, in general, constraints on their work. The ODIHR observers stated that the CEC had adopted all its decisions within the deadlines laid down, in full compliance with instructions and with the rules in force; the CEC's decisions were published on its website.

37. The Assembly observation delegation welcomed the openness and the willingness of the authorities of the country to invite a large number of international observers in accordance with the country's international commitments. The Electoral Code provides for observation of the electoral process by a wide range of stakeholders and observers may attend election commissions' sessions and observe voting procedures. However, the Electoral Code does not allow observers to be present during signature verification for candidate registration, to review the voter lists, or to observe the transfer of results protocols from PSCs to DECs. This raises serious concerns about the transparency of the functioning of the election administration.

6. IEOM Statement of preliminary findings and conclusions of 12 September 2016, p. 5: the CEC Chairperson in her interview to CTV channel on 18 August 2016 stated: "Because our political parties strive for power, especially the opposition, and they admit anyone, they do not care much if a person is reputable. The main thing is bayonets (people). So, among those bayonets, there are really weird people, not ordinary, and not always adequate."

38. Citizens of Belarus over 18 years of age by election day and permanently or temporarily residing within a precinct are eligible to vote. On 23 August 2016, the CEC decided that citizens in prison for offences incurring a sentence of fewer than three months would be given the right to vote.

39. Voter registration is passive. Voter lists are compiled for each precinct by the relevant local administrations and no centralised voter register exists above the level of PSCs. The CEC informed the Assembly pre-electoral delegation that after the parliamentary elections a unified electronic register would be established by the Ministry of the Interior in the framework of the programme “Electronic Belarus”.

40. On 26 August, the CEC announced that a total of 6 990 696 voters had been registered for the parliamentary elections, including 4 403 voters abroad. PSCs are tasked with verifying and updating the electoral rolls by conducting door-to-door checks. Voters can be added to additional lists on polling day subject to presentation of a valid passport with confirmation of residence within the constituency. This is contrary to the Venice Commission’s Code of Good Practice in Electoral Matters. While a large number of people with whom the Assembly ad hoc committee spoke during the pre-electoral mission expressed their confidence in the integrity of the voter registration system, representatives of certain NGOs expressed more critical views on this issue.

41. Candidates are nominated by political parties, labour collectives or initiative groups of citizens (that have collected at least 1 000 signatures). Eligible voters who are 21 years old by election day and have a permanent residence in Belarus can be nominated as candidates. Before the 2012 elections, political parties were required to have a regional office in the district in which they wanted to nominate a candidate. This is no longer a requirement, which is a positive change.

42. The Assembly’s delegation was informed that 428 initiative groups of citizens were registered for collection of signatures in support of candidates. The registration process was characterised by a strict application of legal provisions that resulted in the exclusion of some candidates.

43. Compared with previous elections, there was an increase in the number of candidates including from the opposition. On 11 August, the CEC registered 521 candidates from 630 who submitted applications and succeeded in collecting the required number of signatures to be registered as candidates: 93 candidates’ registration was refused and 16 candidates decided to withdraw their candidacy. Among the registered candidates only 28 were members of the incumbent parliament. There is no gender quota provided by the law – 129 registered candidates are women.

44. The pre-electoral delegation noted with satisfaction the increasing number of candidates for the parliamentary elections, including the representatives of the opposition. However, according to some candidates and civil society representatives, certain candidates have not been registered due to minor technical reasons. The Electoral Code does not set out a clear procedure for the selection and verification of candidates’ signatures. Certain civil society and opposition representatives claimed that the procedure for verifying the signatures collected was not fully transparent and that this could undermine confidence in the electoral process. Concerns were also raised regarding possible pressure on donors due to their financial contributions to the election campaign of opposition candidates.

5. Electoral campaign, campaign financing and media coverage

45. Election campaigns in former elections had always been very low-key. Before 2010, the Law on Mass Events required the organisers of meetings to obtain prior permission from the authorities. Now the system is based on a “notification” requirement. According to Article 45 of the Electoral Code, to organise a campaign event in support of a candidate the person authorised by the candidate “shall send a notification to the local executive and administrative body no later than two days prior to the suggested day of holding the event. If the local executive and administrative body has earlier received a notification from another candidate about holding a mass event at the same location and time and there is no agreement on holding a joint mass event, the local executive and administrative body shall, not later than the following day after receiving the notification, inform the applicant about a proposal to change location and (or) time for holding the mass event”.

46. Oddly, the same article states that “Candidates, or their authorised persons are obliged to contribute to ensuring public order”. The 2010 Venice Commission and OSCE/ODIHR Joint Opinion criticised this sentence, since “it could imply that they may be held responsible for any disorder during such a mass event and have to provide the means for maintaining public order”⁷ and recommended that it be removed.

47. The places where the candidates could hold their meetings were determined by local executive and administrative authorities in accordance with the relevant electoral commissions. The CEC took a decision in May 2016, allowing “candidates and their proxies to hold election campaigning in any public places except for those included in the list of places where public events are prohibited in general”.

48. The election campaign environment appeared to be very low key. A high number of candidates chose not to actively campaign, contributing to broad voter apathy. Nevertheless, the Assembly delegation noted that the election campaign environment, in general, was not restrictive for campaigning, the candidates were able to campaign by meeting voters, organising rallies and distributing campaign material. However, some civil society representatives expressed reservations as to whether candidates were able to campaign freely and on a level playing field, in particular given the allegations about the use of administrative resources for pro-governmental candidates.

49. In this regard, long-term election observers noted that some candidates enjoyed privileged access to State enterprises and State institutions for campaign events. Representatives of State-subsidised public associations campaigned actively in favour of some candidates. According to the IEOM statement of preliminary findings and conclusions, “a number of printing houses refused to print candidates’ own campaign materials or deferred printing to a specific authorisation from DEC⁸.”

50. The 2013 amendments to the Electoral Code abolished monetary public funding. Now the State contributes with in-kind support through premises for campaign events, campaign materials and free airtime. This has hindered the capacities of some contestants and led the OSCE/ODIHR to suggest “re-introducing monetary public funding, in view of enhancing equal opportunities of contestants”.⁹

51. The amendments increased the limits on donations by citizens and legal entities, as well as on expenditure. The candidates have the right to use their own resources and receive private donations¹⁰. A candidate for member of the House of Representatives should not exceed 1 000 base units of total expenditure (around €10 000). Some candidates considered this amount low and not allowing for meaningful campaigning and raised concerns regarding the actual financial contributions from citizens and legal entities to candidates due to potential pressure and intimidation of donors.

52. The Code sets out a long list of organs/bodies/persons whose donations are prohibited: foreign States and organisations; foreign citizens and stateless persons; international organisations; organisations whose founders are foreign States, organisations that received in the course of the year preceding the day of making the donation foreign gratuitous aid from foreign States, foreign organisations, international organisations, foreign citizens and stateless persons, and also from anonymous donors, unless they have returned the foreign gratuitous aid; citizens of Belarus under the age of 18; State bodies and bodies of local self-government; organisations which are fully or partially financed from the budget; organisations registered less than one year before the donation; charity and religious organisations; anonymous donors. Whereas State-funded organisations are not allowed to contribute to campaign funds, according to the IEOM preliminary conclusions, several State-subsidised public associations campaigned for some candidates.

53. The CEC has the obligation to publish on its website the total income and expenditure of candidates on a weekly basis. Candidates have to submit their reports during the campaign (between 15 and 10 days prior to the election day) and submit their final report within five days after the election day. The CEC can impose sanctions if a candidate exceeds campaign limits by 20%.

54. The Law on Mass Media, amended in 2015, extended the existing restriction on traditional media to the online media, which is gathering growing support. Owners of traditional media and websites are liable for any content posted, even user comments in blogs and social media. The Ministry of Information is allowed to restrict access to websites by court decision, and can act without it if the information is related to specific criminal offences or considered “harmful to the interests of Belarus” (Article 38.1.3 of the Law).

55. The Electoral Code provides for free airtime for candidates on State television and radio, and free space in State-funded print media. Some 70 candidates did not make use of their free airtime. The Assembly’s delegation was informed by different interlocutors that the media coverage was mostly favourable to pro-governmental candidates. During its pre-electoral visit in Minsk, the delegation expressed the hope that,

7. CDL-AD(2010)012, paragraph 48.

8. Page 8 of the IEOM statement of preliminary findings and conclusions

9. EOM Final report 2015, p. 14.

10. Equivalent of around €50 for an individual donation and around €100 for a legal entity’s donation

after the registration of candidates on 11 August, television debates would be organised between candidates representing pro-government and opposition parties as this would enable voters to make a well-informed choice. Television debates were broadcast until 9 September and 227 candidates participated.

56. The Media Supervisory Board (MSB) oversees media coverage of the campaign, reviews media-related disputes, and issues non-binding recommendations to the CEC and media outlets on the coverage of the campaign. The MSB has eight members, including six State-owned media representatives and one from the Belarusian Association of Journalists.

57. The candidates' media coverage was depersonalised; in primetime, candidates were mentioned collectively with no reference to their names. As a result, many electors did not know the names of the candidates in polling stations where they were voting. According to the IEOM preliminary conclusions, on the monitored State media, besides free airtime slots, broadcast coverage of candidates' campaign activities was virtually absent from news and political programmes. Election-related coverage focused on procedural aspects of the electoral process and the activities of the election administration and its President. Outside of the free airtime given to candidates, monitored State television channels dedicated 83% of their news coverage to the President and government officials, 16% to the CEC, and 1% to all the candidates together¹¹.

6. Polling day

58. The law provides for early voting, but it is not regulated in a comprehensive way. Indeed, all voters, without providing any reason, can vote in polling stations in the five days prior to election day. The vote is held from 10 am to 2 pm and from 4 pm to 7 pm in the presence of only two PSC members. The law does not provide for sufficient procedural safeguards. The CEC announced an early voting turnout of 31%. Concerning the early voting procedure, the Assembly's pre-electoral delegation was informed by representatives of the opposition and civil society that there was a danger of misuse of administrative resources during early voting. The delegation considered that all necessary steps should be taken to guarantee the transparency and fairness of early voting procedures.

59. Polling day was calm and the voting well organised. Although, overall, the opening was generally assessed positively, the ad hoc committee members noted a number of shortcomings and irregularities in the polling stations visited:

- in some polling stations, the members of the ad hoc committee were not systematically allowed to get near the tables to observe the counting of votes, despite the decision of the CEC determining the place for PSC members and observers during the counting of votes so as to allow for a clear observation of the counting procedures;
- in polling station No. 106 of the DEC No. 094, the counting procedure was chaotic;
- in some cases, the early voting boxes were not properly sealed;
- in some polling stations, there was a lack of transparency during the counting procedures;
- in some polling stations, the members of PECs did not follow all steps of counting procedures;
- in many polling stations, the observers of the State-subsidised public associations and the local observers did not seem to be interested in the observing process;
- in almost all polling stations, ballots were counted by each PSC member separately rather than collectively and votes per candidate were not announced;
- in some polling stations, the final early voting protocols were not displayed on the notice board;
- in many polling stations, PSC members' understanding of counting procedures was poor.

60. On 12 September, the CEC announced the results of the parliamentary elections. The turnout was 74.8%. In all 110 constituencies the elections were valid. Sixteen members of the parliament represent political parties: 8 seats – the Communist Party of Belarus; 3 seats – the Belarusian Patriotic Party; 3 seats – the Republican Party of Labour and Justice; 1 seat – the United Civic Party and 1 seat – the Liberal Democratic Party. No other elected members have a political party affiliation; 34.5% of elected members are women.

11. Page 10 of the IEOM preliminary conclusions

7. Conclusions and recommendations

61. The Parliamentary Assembly ad hoc committee concluded that the parliamentary elections in Belarus were efficiently organised and there were visible efforts to address some long-standing issues, but a number of systemic shortcomings remain. The voting day was calm and well-organised, although there were serious concerns regarding the counting procedures and their transparency. However, elections are not limited to voting day only.

62. Regarding the legal framework, it restricts some political rights and fundamental freedoms and was interpreted generally in a restrictive manner. The Electoral Code should be amended to include substantial procedural safeguards that ensure integrity and transparency of all stages of the electoral process. The ad hoc committee considers that these elections showed that Belarus, as a European country, needs a truly competitive political system in order to realise its democratic potential. This potential would be increased with a higher percentage of women registered as candidates.

63. It is therefore vital to begin immediately the necessary reform of the electoral legal framework in order to improve the procedures concerning the composition of election commissions, verification of support signatures, conduct of early and mobile voting, transparent counting and tabulation of votes and observers' rights. The ad hoc committee considers that the Interagency Task Force, which was created on 12 February 2016 to improve the electoral process, should continue its work after the parliamentary elections in closer co-operation with the Venice Commission of which Belarus is an observer member.

64. With regard to the election campaign, the ad hoc committee noted that the campaign environment was very low key, a high number of candidates chose not to actively campaign, contributing to broad voter apathy. Nevertheless, in general, the election campaign was not restrictive for campaigning, the candidates were able to campaign by meeting voters, organising rallies and distributing campaign material. Long-term election observers noted that some candidates enjoyed privileged access to State enterprises and State institutions for campaign events, representatives of State-subsidised public associations campaigned actively in favour for some candidates. This situation skewed the playing field for candidates.

65. The election administration made technical preparations and took decisions within legal deadlines. The composition of some election commissions was politically unbalanced in favour of pro-governmental candidates. In this regard, the ad hoc committee expressed its concerns and pointed out that a politically balanced membership of election commissions is a key factor to enhance voters' confidence in the integrity of the electoral process.

66. In 2015, the authorities of Belarus invited the Parliamentary Assembly to observe the presidential election, 14 years after the previous invitation in 2001. This year the Assembly was also invited to observe the parliamentary elections. In this regard, the ad hoc committee welcomes the openness of the Belarus authorities in inviting a large number of international organisations to observe the parliamentary elections. The ad hoc committee is also convinced that the legal framework should be improved to enable the international observers to carry out their work effectively, particularly on polling day and during counting procedures, without interfering in the operation of the electoral commissions. This could help enhance confidence in the whole electoral process.

67. The ad hoc committee believes that the Council of Europe and its Parliamentary Assembly, through their various co-operation programmes, including those of the Eastern Partnership, should continue to strive to improve the electoral legislation and its implementation in Belarus.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Gisela WURM, Austria (SOC)*

Group of the European People's Party (EPP/CD)

- Béatrice FRESKO-ROLFO, Monaco
- Aleksander POCIEJ, Poland*

Socialist Group (SOC)

- Paolo CORSINI, Italy
- Titus CORLATEAN, Romania
- Gisela WURM, Austria*

Alliance of Liberals and Democrats for Europe (ALDE)

- Bernard PASQUIER, Monaco
- Goran TUPONJA, Montenegro*

European Conservatives Group (EC)

- Ingebjørg GODSKESEN, Norway*
- Suat ÖNAL, Turkey

Group of the Unified European Left (UEL)

- Soňa MARKOVÁ, Czech Republic

Rapporteur of the Committee on Political Affairs and Democracy (ex officio)

- Andrea RIGONI, Italy*

Venice Commission

- Manuel GONZALEZ OROPEZA, Mexico, expert
- Alberto GUEVARA CASTRO, Mexico

Secretariat

- Chemavon CHAHBAZIAN, Head of the Interparliamentary co-operation and Election Observation Division
- Anne GODFREY, Assistant, Interparliamentary co-operation and Election Observation Division
- Amaya UBEDA DE TORRES, Administrator, Venice Commission
- Maria BIGDAY, Secretary of the Alliance of Liberals and Democrats for Europe (ALDE)

* members of the pre-electoral delegation

Appendix 2 – Statement by the pre-electoral delegation

Strasbourg, 11.08.2016 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe (PACE) visited Minsk to assess the election campaign and the preparations for the parliamentary elections to be held on 11 September 2016. The delegation thanks the authorities of Belarus for the invitation to observe the elections.

The PACE pre-electoral delegation recalls that the Assembly, in its report on observation of the presidential election in 2015, highlighted that “Belarus needs to reform its electoral legislation to ensure a thoroughly competitive political environment which is a key condition for the long-term democratic stability of the country”. Recent amendments to the electoral legislation in October 2015 fail to address some of the key recommendations of international organisations, including those of the Council of Europe Venice Commission.

The pre-electoral delegation welcomes the work of the Interagency Task Force which was created in Belarus on 12 February 2016 to improve the electoral process. However, the recommendations for amendments to the Electoral Code will be examined only after the parliamentary elections of 11 September. In a positive manner, in May 2016, the Central Election Commission (CEC) decided to adopt some important procedural changes, in line with former recommendations, mainly concerning the composition of electoral commissions, the transparency of their decisions, safeguards for early voting; improving observation of the counting process and the possibility to carry out campaign activities in some public places. The Assembly’s pre-electoral delegation asks the relevant authorities to fully implement the CEC decisions.

Various opposition and civil society representatives informed the Assembly’s pre-electoral delegation that the formation of the Precinct election commissions (PECs) was unbalanced: only 53 members out of 514 opposition parties’ nominees became PECs members, while 3,358 people representing pro-governmental parties became PEC members. A politically balanced membership of election commissions is a key factor to enhance voters’ confidence in the integrity of the electoral process.

The Assembly’s pre-electoral delegation welcomes the constructive co-operation of the Belarusian authorities on electoral standards and improvement of the electoral process in Belarus in the framework of recent PACE activities in the field of elections. It also welcomes the openness and the willingness of the authorities of the country to invite a large number of international observers without imposing constraints on their work, in accordance with the country’s international commitments.

The delegation noted the increasing number of candidates for the parliamentary elections (more than 600). However, according to some candidates and civil society representatives, certain candidates have not been registered due to minor technical reasons. The Electoral Code does not set out a clear procedure for the selection and verification of candidates’ signatures. Certain civil society and opposition representatives claimed that the procedure for verifying the signatures collected was not fully transparent and that this could undermine confidence in the electoral process. Concerns were raised regarding possible pressure on donors due to their financial contributions to the election campaign of opposition candidates.

Concerning the early voting procedure, the delegation was informed by representatives of opposition and civil society that there was a danger of misuse of administrative resources during early voting. Taking into consideration the considerable number of electors voting early, according to some estimation, it could be around 30% of voters, the delegation considers that all necessary steps should be taken to guaranty the transparency and fairness of early voting procedures.

The interlocutors of the pre-electoral delegation at the CEC expressed their confidence in the integrity of the voter registration system.

Currently, at around one month before the election day, the campaign environment appears to be very low key. The pre-electoral delegation noted that the environment was not restrictive for campaigning, the candidates are able to campaign by meeting voters, organising rallies and distributing campaign material. However, some representatives of the civil society expressed reservations as to whether candidates will be able to campaign freely and on a level playing field, in particular given the allegations about the use of administrative resources for pro-governmental candidates.

Concerning media coverage, the Electoral Code provides for free airtime for candidates on State television and radio, and free space in State-funded print media. The Assembly’s delegation was informed by different interlocutors that this coverage was mostly favourable to pro-governmental candidates. In this connection, the Assembly’s delegation reiterates that public broadcasters have an obligation to ensure equal access for all

candidates without giving preferential treatment to any candidate. The delegation hopes that, after the registration of candidates on 11 August, TV debates will be organised between candidates representing pro-government and opposition parties as this would enable voters to make a well-informed choice.

The Assembly's delegation called on the relevant authorities to take the necessary steps to ensure equal campaign conditions for all candidates.

The delegation had meetings with the Chairperson of the House of Representatives of the National Assembly of the Republic of Belarus and Heads of the Standing Committees of the Parliament; the Vice-Minister of Foreign Affairs, the Chairperson of the CEC; the President of the State television and radio company, the leaders of the main political parties and their representatives; representatives of the international community; the Head of the OSCE/ODIHR election observation mission; representatives of civil society and the media.

The Parliamentary Assembly will send a 12-member delegation to observe the Parliamentary elections on 11 September 2016.

Members of the delegation: Gisela Wurm, Head of the delegation (Austria, SOC), Aleksander Pocij (Poland, EPP/CD), Goran Tuponja (Montenegro, ALDE), Ingebjørg Godskesen (Norway, EC), Andrea Rigoni (Italy, ALDE), rapporteur of the PACE Committee on Political Affairs and Democracy on "The situation in Belarus"

Appendix 3 – Programme of the election observation mission (9-12 September 2016)

Friday 9 September 2016

- 09:15-10:15 PACE ad hoc committee internal meeting:
- Opening by Ms Gisela Wurm, Head of the delegation
 - Debriefing by the members of the pre-electoral mission
 - Recent developments in the field of the legal framework of Belarus by the representatives of the Venice Commission
 - Information by the secretariat of PACE on the deployment, logistic questions and distribution of files

Joint parliamentary briefing

- 10:30-10:45 Welcome and opening
- Mr Kent Harstedt, Special Co-ordinator of the OSCE Short-Term Observers
 - Ms Gisela Wurm, Head of Delegation of the PACE
 - Ms Ivana Dobesova, Head of the OSCE PA delegation
- 10:45-12:45 Briefing by the OSCE/ODIHR Election Observation Mission
- Welcome: Ms Tana de Zulueta, Head of Mission
 - Issues regarding application of election legislation, complaints and campaign finance: Ms Zeliha Aydin, Legal Analyst
 - Election Administration: Mr Rashad Shirinov, Election Analyst
 - Political background, candidates and campaign: Mr Stefan Szwed, Political Analyst
 - Media landscape and media monitoring results: Ms Francesca Boggeri, Media Analyst
- 14:00-14:45 Central Elections Commission, Ms Lidziya Yarmoshina, Chairperson

Meetings with leaders of political parties and their representatives

- 14:45-15:15 Ms Tatsiana Karatkevich, Civil campaign “Tell the truth” ; Mr Andrei Dzmitryeu, Chairperson, Civil campaign “Tell the truth”
- 15:15-15:45 Mr Anatol Liabedzka, Chairperson, United Civic Party
- Mr Vital Rymasheuski, Co-Chairperson, Belarusian Christian Democracy
- Mr Yury Hubarevich, Deputy Chairperson, the Movement for Freedom
- 15:45-16:15 Mr Siarhei Pigarau, Deputy Chairperson, Belaya Rus Public Association
- 16:15-16:45 Mr Heorhi Atamanau, Deputy Chairperson, Communist Party of Belarus
- 16:45-17:15 Mr Aliaksei Yanukevich, Chairperson, Belarusian Popular Front Party
- Ms Iryna Veshtard, Chairperson, Belarusian Social Democratic Party Hramada
- Mr Siarhei Kalyakin, Chairperson, Belarusian Left Party “Just World “
- 17:1-17:45 Mr Vasiliy Zadniaprany, Chairperson, Republican Party of Labour and Justice
- 17:45-18:15 Mr Mikalai Statkevich, Chairperson, Social Democratic Party “Narodnaya Hramada”
- Mr Uladzimir Niakliaeu, Chairperson, “For the statehood and independence of Belarus” movement
- 18:15 Meeting with drivers and linguistic assistants for the delegation of PACE

Saturday 10 September 2016

- 09:30-10:30 Civil society roundtable
- Mr Aleh Hulak, Belarusian Helsinki Committee

- Mr Valiantsin Stefanovich, Human Rights Centre “Viasna”
- Mr Siarhei Alfer, Expert on election law
- Mr Valery Karbalev, Analytical Centre “Strategiya”

10:30-11:30

Media roundtable

- Mr Ales Antsipenka, Belarusian Association of Journalists
- Mr Josif Siaredzich, Newspaper *Narodnaya Volya*
- Ms Nasta Khralovich, TV “BelSat”
- Mr Alyaksandr Starykevich, e-newspaper *Salidarnast*
- Mr Artyom Shraibman, News portal “TUT.BY”

11:30-12:15

OSCE/ODIHR briefing (security, co-ordination, forms)

12:15-12:45

Regional briefing by LTOs for teams deployed in Minsk city and region

Sunday 11 September 2016

07:30-20:00

Opening of polling stations, observation of elections

After 20:00

Closing of polling stations and counting

Monday 12 September 2016

08:30-09:30

PACE ad hoc committee debriefing meeting

14:30

Joint press conference of the Heads of the delegations

Appendix 4 – Press release of the International Election Observation Mission (IEOM)

Belarus elections efficiently organised, long-standing systemic shortcomings remain, international observers say

Minsk, 12.09.2016: The 11 September parliamentary elections were efficiently organised and there were visible efforts to address some long-standing issues, but a number of systemic shortcomings remain, the international observers concluded in a preliminary statement released today.

The legal framework restricts political rights and fundamental freedoms, and was interpreted in an overly restrictive manner. Media coverage did not enable voters to make an informed choice and, despite an overall increase in the number of candidates, including a significant number from the opposition, the campaign lacked visibility, the statement says.

The election administration exhibited a welcoming approach towards international observers. The composition of the electoral commissions, however, was not pluralistic, which undermined confidence in their independence. Despite some positive efforts by the authorities, early voting, and counting and tabulation procedures were still marred by a significant number of procedural irregularities and a lack of transparency.

“It remains clear that Belarus still has some way to go to fulfil its democratic commitments. In the run-up to the elections, the authorities made a number of promises regarding the transparency of the process, on which they delivered partially, but insufficiently,” said Kent Harstedt, Special Coordinator and leader of the short-term OSCE observer mission. “We hope the Belarusian government, together with the newly elected parliament, will carry on with the democratisation process and undertake a comprehensive effort to address our long-standing recommendations.”

Despite some first steps taken by the authorities, the constitutional and legal framework does not adequately guarantee the conduct of elections in line with OSCE commitments and other international obligations and standards. A working group was established to consider prior OSCE/ODIHR recommendations, signalling a willingness to engage in electoral reform. Nonetheless, a number of key long-standing OSCE/ODIHR and Council of Europe Venice Commission recommendations have yet to be addressed, and the need for comprehensive electoral reform, as part of the broader democratisation process, remains.

“Yesterday, voting was calm and well-organised, although there were concerns regarding the counting. However, elections are not limited to voting day only, and these elections showed that Belarus, as a European country, needs a truly competitive political system in order to realise its democratic potential,” said Gisela Wurm (Austria, SOC), Head of the PACE delegation. “It is therefore vital to begin immediately the necessary reform of the legal framework, so as to enable the creation of such a system, which is a key element for democratic stability. PACE and the Venice Commission stand ready to co-operate with Belarus in this regard.”

Restrictions on fundamental freedoms of association, expression and assembly narrowed the public space, and negatively affected the environment in which the elections were held. While candidates were generally able to campaign freely within the confines of the law, a large number of candidates chose not to actively campaign, which contributed to voter apathy. On a positive note, the CEC instruction for a more permissive allocation of public venues was followed by many local authorities. Unequal access to State and public institutions and resources, however, skewed the playing field for candidates. Collectively, this limited the choice available to voters.

“We note that, for the first time in 12 years, some members of the opposition will be represented in the parliament. However, the legal and constitutional framework limits public space for debate, and did not provide voters with the opportunity to make an informed choice,” said Ivana Dobesova, Head of the OSCE PA delegation. “We encourage all members of parliament to use this opportunity to engage in genuine discussions about the future of the country.”

Media regulations are strict. Criminal offences of defamation, libel and insult, and a ban on calls to boycott the election are contrary to international standards and challenge freedom of expression. During the campaign, news programmes on State-owned media focused largely on the activities of the president and other State officials, as well as political statements by the CEC Chairperson. Coverage of candidates’ campaign activities, meanwhile, was virtually absent and largely limited to short, pre-recorded speeches. This narrowed voters’ access to candidate information.

The election administration, led by the CEC, made technical preparations and passed decisions within legal deadlines. However, only a negligible number of election commission members were appointed from opposition nominees, and local executive authorities had a dominant presence in the leadership of the election administration.

Voter lists are updated by precinct election commissions (PECs) based on data provided by local authorities. The absence of a centralised voter register that could be used for cross-checking against multiple registrations, along with an overly permissive system for registering voters on election day, resulted in a lack of safeguards against multiple voting.

“The persistent shortcomings we have identified in the course of observing these elections point to the fact that long-standing recommendations remain to be addressed,” said Ambassador Tana de Zulueta, Head of the OSCE/ODIHR long-term election observation mission. “The election of the new parliament constitutes an excellent opportunity to take action and implement these recommendations in a comprehensive and inclusive way.”

Of 630 candidates nominated, 484 eventually stood for election, including a significant number from the opposition. Despite this overall increase in the number of candidates, the legal provisions for registration allowed for selective implementation. Ninety-three prospective candidates were not registered, mostly due to inaccuracies in asset and income declarations, an insufficient number of valid support signatures or failure to submit supporting documentation. This approach raised disproportionate and unreasonable barriers to candidacy, the observers said.

Women are well-represented in the election administration, but less so in political life. There are no special measures to enhance women’s representation, and women constituted 25 per cent of candidates in these elections.

The CEC exhibited a welcoming attitude towards international observers. In an inclusive process, more than 827 international and 32,105 citizen observers were accredited. Despite some improvement in access provided for both citizen and international observers, a number of undue legal limitations and a restrictive interpretation of observers’ rights remain.